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Number 20

FIRST THINGS

A Monthly Journal of Religion and Public Life

AIDS: Deadly Confusions Compounded
The Editors

A New Order of Religious Freedom
Richard John Neuhaus

The Catholic Public Servant
James L. Buckley

Animal Rights, Human Rights
Thomas S. Derr

The Lutheran Difference
Mark A. Noll

Confessions of a Rootless Cosmopolitan Jew
Stephen Miller

Opinions and Reviews: A Declaration on Euthanasia
Consequences of Columbus • Blue Ridge Modernity Blues
Robert A. Licht on Mary Ann Glendon • Richard Brookhiser
Robert L. Wilken • Amy L. Sherman • Quentin J. Schultze

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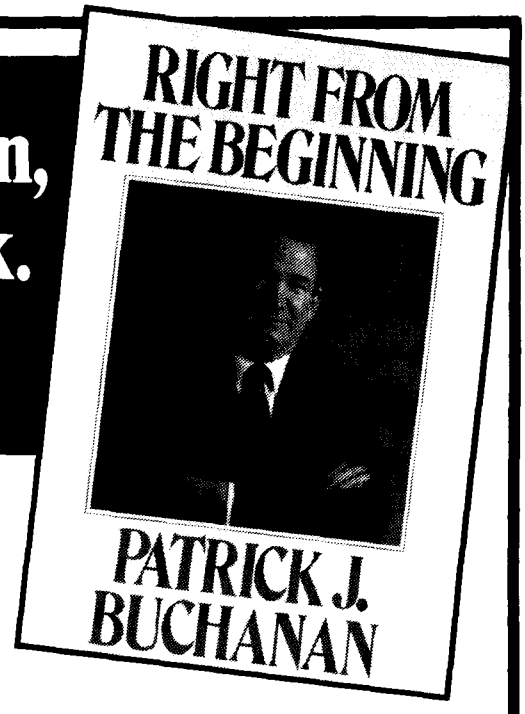

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FIRST THINGS

A Monthly Journal of Religion and Public Life

FEBRUARY 1992 • ISSUE 20

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Why Christian Mission?

While I agree with Richard John Neuhaus that *Redemptoris Missio* is highly important ("Reviving the Missionary Mandate," The Public Square, October 1991), I worry that it is not nearly as "profoundly countercultural" as he believes. The six reasons he discerns that the Pope gives for mission are embarrassingly anthropocentric; only "obedience to Christ" really focuses on Christ, but one has the sense in the document that it is our discipleship that is the central factor.

More revealing is what this encyclical omits. Surely the greatest motive for mission is the glory of God, who wishes to be adored by all his creation. Many missiologists have pointed out the significance of the mission from Antioch (Acts 13) having its start in a worship service, yet this crucial reason for mission is not spoken about by the Pope.

Fr. Neuhaus mentions hell in his introductory comments, yet the encyclical does not ever even use the word. But a crucial reason for the church's mission throughout her history has been the theological conviction that those without Christ are lost, and that they are in grave danger of staying lost, the consequences of which are final, irreversible, and awful in the world to come. Outside the encyclical the pendulum of recent Catholic thinking has swung so far away from a deep belief in sin and hell that one almost has the sense that many of God's creatures, who are "anonymous Christians" anyway or who show the "baptism of desire" even if they haven't been baptized, would be worse off if they were evangelized since then they would have more knowledge for which they would be held accountable.

I respectfully suggest that if Augustine were alive today he would find much more source for concern in *Redemptoris Missio* than has Fr. Neuhaus.

(The Rev.) Kendall S. Harmon
Oxford, England

Richard John Neuhaus responds:

Father Harmon and I seem to read *Redemptoris Missio* differently. But I don't understand his concern about its being "anthropocentric." All six of the reasons I discuss are directly related to our obedience to the revealed will of God in Christ. If it is "anthropocentric" because all have to do with the salvation of humanity, it would then appear that God is, thank God, anthropocentric. The phrases "anonymous Christians" and "baptism of desire" do not appear in the encyclical. According to that document all people will be held accountable for their response to the truth available to them, and therefore the evangelized are not "worse off."

Regarding Jewish Christians

David Novak's "When Jews Are Christians" (November 1991) correctly identifies the issue between Judaism and Christianity as "the whole question of who Jesus is." Indeed, Jesus himself recognized that this would be the issue of central importance both during and after his sojourn on earth (e.g., Mt. 10:16-39, 16:13-20, 24:4-13).

However, Novak has begged the question of whether Jesus is Messiah by defining Messiah merely as "a political designation for a divinely restored Jewish king in Jerusalem" *as opposed to* "the incarnate Son of God." He has thus attempted to define as fact what was simply the opinion or interpretation of the majority (but not all, *viz.*, Saul of Tarsus) first-century Pharisees. Yet Jesus claimed to be Messiah (John 4:25-26). Further, Jesus went on to explain that the Kingdom was far more than merely a geopolitical entity, and that Messiah was far more than just a temporal Jewish king in Jerusalem. Jesus based his claims as to the nature and identity of Messiah squarely on the Scripture (e.g., Mt. 22:41-46). Consequently, the nature of Messiahship and his identity as the incarnate Son of God are not mutually exclusive concepts.

Indeed, Novak did not mention the

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many Messianic passages (e.g., Ps. 22; Is. 52:13-53:12; Dan. 9:25-26) that describe the suffering aspect of Messiah (and that led some early Jewish scholars to posit that Messiah would be twins). Nor does Novak deal with any of the Messianic prophesies that were literally fulfilled in Jesus (e.g., Micah 5:2; Zech. 9:9, 12:10). Contrary to Novak, the exegesis of Scripture does provide a "common criterion of truth available for debating (and) resolving the fundamental differences between Judaism and Christianity." The reasoning by Jesus, Paul, and others from the Scriptures and the acceptance of the identity of Jesus both as Messiah and incarnate Son of God by Jews from the first century onward demonstrate that Messianic Judaism is indeed "a legitimate covenantal option for Jews."

A second "common criterion or truth" for testing the claim of Jesus to be both Messiah and the incarnate Son of God is objective history. Jesus claimed that he would be killed and buried, but then would bodily rise from his grave after three days (Mt. 17:22-23; Mk. 10:32-34; John 2:18-22). Whether he did so is not a question of philosophy or theology, but of historical fact: either he did or he didn't. The identity of Jesus (and thus the validity of what he said) depends on the answer to that question (1 Cor. 15:12-19). The historical evidence for the resurrection has been thoroughly discussed in such books as *The Resurrection Factor* by Josh McDowell. The criteria for assessing that evidence are common to Jews as well as Christians (indeed, to anyone). If the resurrection is an historical fact as persuasive evidence indicates, then for Jews who accept that fact the "legitimate covenantal option" of Messianic Judaism should no more be denied them than should any other legitimate covenantal option be denied any other Jew who accepts any other fact of history.

Just as the Reformation went to the heart of what Christianity was intended to be, so the advent of Jesus and the existence of Messianic Jews go to the heart of what Judaism is intended to be. Because of the relationship of Messianic Scriptures to the life and claims of Jesus, and the witness of history, the recent attempt by Israel's Supreme Court to simply define Messianic Jews away cannot succeed any more than did the Sanhedrin's attempt to eliminate the catalyst for the existence of Messianic Judaism 2,000 years ago.

Jonathan M. Menn
Appleton, WI

In his article "When Jews Are Christians" David Novak dealt with an issue of utmost importance to me. As an officer of a unique Hebrew Christian organization, I appreciated Professor Novak's evident good will and reasonableness of tone. I would, however, like to make two points.

The first point is historical. It does not seem to me to be accurate to say, as Professor Novak does, that the early Jewish Christians "no longer regarded themselves as Jews" and that "descendants of the original Jewish Christians quickly became gentiles themselves through intermarriage with gentile Christians in the Church." Indeed it appears from the historical evidence (see, for example, Ray A. Pritz, *Nazarene Jewish Christianity from the End of the New Testament Period Until Its Disappearance in the Fourth Century*) that Jewish Christian communities existed at least into the fourth century, perhaps as late as the ninth. They followed apostolic practice by believing in Yeshua (Jesus) as Messiah and following the Law of Moses. Professor Novak would consider them "syncretists"; I would not. Regardless, it appears that the Jewish Christians who denied the divine sonship of Yeshua split off from the orthodox Jewish Christians and thus were a subsequent phenomenon. Furthermore, while relations between the Jewish Christians and the Gentile Church deteriorated as time went on, relations were not always or uniformly bad.

My second point is theological, and I speak as a Catholic Israelite. Though the Catholic Church is *sociologically* gentile it is essentially Israelite, founded by Yeshua and with a foundation of his Jewish apostles. The Magisterium of the Church has never taught that the election of Israel has been revoked. On the contrary, St. Paul says, concerning this, that "the gifts and the call of God are irrevocable" (Romans 11:29). Israel is an eternal people whose gift of existence as a people and whose call to be a blessing are irrevocable. Furthermore, its destiny is to be collectively incorporated into the Church (Romans 11:25-26) and this will bring great blessings to the gentile world (Romans 11:12, 15). We are not a proselytizing organization but rather work to prepare the Church for the coming incorporation by striving to form a Hebrew Catholic community—to reconstitute an Israelite presence within the Church.

We certainly welcome friendly relations between Christians and non-Christian Jewry and do not want to be an obstacle to that. But we also think it important for Christians—Israelite and Gentile—to acknowledge and accept the irrevocable call to Israel and its eternal existence, as well as its destiny to become an effective organ of the Catholic Church. We who try to follow the Messiah as Israelites, to be faithful to our double call, do not wish to be obstacles to amiable Israelite/non-Christian Jewish relations but to be signs of the ultimate destiny of Israel in the plan of the God of the Patriarchs.

Achad HaSh'erit
Association of Hebrew Catholics
Washington, D.C.

. . . The exegetical differences [between Christians and Jews] are mischaracterized as problematical in David Novak's "When Jews Are Christians." While certainly *some* exegesis is problematic, some is quite obvious. For Jews, Deuteronomy 13, verses 1-9, is the exclusionary clause that disallows the entire New Testament and its exegesis. The existence of a 1,400-year tradition from Mt. Sinai to the approximate death of Jesus cannot easily accept a clearly back-fitted interpretation that had no prior development. Christianity and its interpretations suffer from coming chronologically second. For

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Christians this poses no problem. For Jews, with a clear record today of 3,304 years of an unbroken history and no prior interpretational claim, it is illogical. It is not simply exegetical differences and the compounding difficult history of inquisitions. Logic, based on simple readings and known history, can suffice. . . .

Alan Hoffman
East Windsor, NJ

I enjoyed reading the article "When Jews Are Christians" by David Novak. I found it informative about other creeds and illuminative about valid ways people of different creeds can, in unison, relate to God without violating their own convictions about what they perceive to be the truth.

But one statement mars an otherwise excellent article. "In place of the Jewish commandments (*mitzvot*) came the sacraments, which are like the Jewish commandments in that they are structured by their own law (what became the Canon Law of the Church)." I wrestled with this sentence trying to find some way it might be correct within the context of the paragraph. I can't. Whatever the reasons for it, this statement is incorrect. The sacraments do not take the place of the commandments. They are really religious ceremonies designed to confer God's blessing upon the recipient. In the words of my high school textbook, "A sacrament is a visible sign to which Jesus Christ has given the power to confer grace, to indicate the grace it confers, and to let us know that at the moment of receiving the sign we are made partakers of the grace."

The Ten Commandments, in addition, have always been binding upon Catholics. I think perhaps Dr. Novak meant to refer to the Six Commandments of the Church (to contribute to the support of the Church, to receive the sacrament of penance at least once a year, the sacrament of the Eucharist at least once during the Easter season, etc). These, however, did not replace or diminish the binding force of the Ten Commandments.

I hope this helps to contribute to an ever-increasing accuracy and compassionate understanding of the various issues that have divided the oneness of the human family in the way we worship the one true God.

Maurice A. Williams
Brookpark, OH

. . . David Novak writes of the interpretive controversy over "whether Isaiah 7:14 should be interpreted 'behold the young woman (*ha 'almah*) shall conceive and bear a son' (the Jewish version), or 'behold the virgin (*he parthenos*) shall conceive and bear a son' (the Christian version)." It is true that the latter indeed became the Christian version, but the source for the passage is a Jewish source, namely the standard Greek translation of the Hebrew Scriptures, the Septuagint, which had been around for about three hundred years when Christianity had its beginning. So blame the seventy scholars at Alexandria who translated the passage in this way for their choice of words but don't call it the Christian version, because what we have here is the choice between two different Jewish versions both of which had been around for centuries before the Christians came on the scene. . . .

Bertram L. Davies
Ashland, OR

Deconstructing Deconstruction

The "deconstruction" of language proposed by Derrida *et al.* referred to by Ben F. Meyer in his essay "Ideology Therapy" (November 1991) can be refuted on the following grounds. In order for deconstruction to be true, it must hold for all languages, not just spoken/written languages. Mathematical language is a very precise written language. All mathematicians agree on the meaning of the language regardless of where they live, their ideology, their ethnicity, or their native language. The language is one of manipulation, not just of conveying meaning. Hence, one who chooses to violate the rules and meaning of expressions and operations will not be able to use it. He is stopped before he starts. The language has steadily expanded but still all mathematicians agree that the earlier versions are merely subsets of the later versions.

Having found one language that refutes Derrida's claims, we can make the claim that they are refuted for all languages. While spoken/written languages are less precise than mathematical language, introducing elements of "fuzziness" into the interpretation, they are not infinitely or even very much less precise than mathematical language. Derrida, on the other hand requires infinite imprecision.

Robert C. Whitten, Jr.
Cupertino, CA

Unfair Dismissal

In an otherwise excellent issue, your four-sentence dismissal of William Placher's *Unapologetic Theology* (Briefly Noted, November 1991) was unworthy.

The charge of "politicized pondering" rebounds on a review when the work in question largely and usefully addresses the methodological and epistemological issues raised by Rorty and company to which Richard John Neuhaus regularly and commendably directs our attention. Finding no splinter of Marxist politicization therein, this reader can only hypothesize a log in the reviewer's eye.

(The Rev.) David Doely
Trinity Lutheran Church
Ellsworth, IA

Dirty Books Department

I am amazed that Richard John Neuhaus would condemn a book—*Dirt, Greed, and Sex: Sexual Ethics in the New Testament and Their Implications for Today*—because he doesn't like the title (The Public Square, October 1991). . . .

Actually, *Dirt, Greed, and Sex* is about, well, just what the title says, dirt or ritual purity, and greed and sex, that is, women as property.

Probably what Neuhaus doesn't like is the conclusion that William Countryman comes to: that sex out-

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side of marriage, including homosex, is dirty, that is, ritually unclean, but not necessarily immoral. He's very persuasive.

. . . I suggest you read the book.

(The Rev.) Robert M. Belles
St. Mark Lutheran Church
Roswell, NM

Silly Us

I have the November 1991 issue of First Things here beside me. It seems to be a magazine devoted to study of the worship of an imaginary god and its application to society. What a silly idea.

What could have brought together this assemblage of men and women who seem . . . on the surface . . . to be an intelligent lot? Were you merely looking for useful work? Have you found it in your studies of an ancient and ignorant time? Is there some value in prolonging the ignorance, the superstitions, the madness of that ancient time?

If you want to study the ravings and delusions of madmen, why not try the twentieth century? We have among us the same type of irrational men that you have raised to the godhead from the hocus-pocus of two thousand years ago. Come. Join me here in San Francisco and I will lead you among those who walk and talk with gods. Listen to their preachments and their rants. You will find a remarkable similarity with the preachments and rants of your biblical times. Little has changed. These madmen still talk of gods. They still claim to have an intimate relationship with their gods and they converse daily with them. They still claim to know the laws their gods decree. They still describe the morality demanded by their gods. It all sounds a great deal like the writings of your scholars. Do you intend to devote any of your magazine to contemporary religious illusions?

Is there no one on your staff who has looked about at the assembled magazine and asked, "What is all this . . .?" You need to hire someone who will probe and question, someone who will ask if you really know what you are talking about. Must the twentieth-century religious nut keep saying the same bull---- over and over in the hope that it will become believable?

Cecil W. Blank
San Francisco, CA

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FIRST THINGS
FEBRUARY 1992

AIDS: Deadly Confusions Compounded

Readers whose minds have not been numbed by all the media-generated sensations since then may be able to recall that back in the first part of November the nation was reportedly held in thrall by Magic Johnson's announcement that he had the AIDS virus. More than one television anchor solemnly announced that the country had not been so traumatized since the assassination of John F. Kennedy. The good news was that Magic, a "role model" for America's youth, was going to spend his remaining days advocating safe (some said safer) sex.

To their credit, within a few days some reporters challenged the idea that Johnson was an exemplar for America's young, and especially for blacks. Off the court where he did his magic for the Los Angeles Lakers, Johnson had dropped out of college, fathered at least one child out of wedlock, and led a sexual life that is politely termed promiscuous. Magic was "my role model," says Wilt Chamberlain, who brags, perhaps preposterously, that he has slept with 20,000 women over the years. In the face of Johnson's charm and high spirits in making his announcement, some journalists were impertinent enough to wonder how many women whom Johnson infected would die of AIDS. Proponents of the homosexual cause were vocally upset that Johnson made clear he is heterosexual, thus reminding people of the ill-disguised connection between AIDS transmission and the "gay lifestyle." (Later, to his credit, Johnson had a change of mind and said he would be urging unmarried people to abstain from sex rather than practice "safe sex." He told reporters, "What I'm trying to do is save lives.")

The incessantly repeated line of the AIDS industry is that this is a disease that is out of control (a "pandemic") and that everybody is at risk of contracting it. But of course that is not true. As documented by Michael Fumento (*The Myth of Heterosexual AIDS*, New Republic Books) and by Ronald Brookmeyer of Johns Hopkins, the epidemic is declining among all risk categories. (See "AIDS So Far," *Commentary*, December 1991). Since it erupted ten years ago, 188,348 cases have been reported in the United States, with 121,196 ending in death. The risk is far from being equally distributed. Propaganda to the contrary notwithstanding, AIDS is most emphatically a respecter of persons, or at least of behaviors. A mere 727 whites, middle-class or otherwise, are listed as having contracted the disease through heterosexual contact—less than one-half of one percent of the total caseload.

In the same period that 121,00 died of AIDS, more than four times as many Americans have died in car accidents and fifty times as many have died of cancer. The point of such a comparison is not to downplay the tragedy of AIDS but to underscore the fatuity of the repeated claim that America is "not paying attention to the AIDS crisis." In terms of media notice, as well as private and government funding, AIDS is receiving attention wildly disproportionate to its place in the constellation of health problems facing the American people. Given the sector of the population that is chiefly at risk, that is not entirely surprising. Those afflicted with HIV or AIDS in the homosexual subculture are mainly young, often talented, concentrated in media-sensitive occupations, urban, affluent, and politically vocal. That is a potent combination and helps explain why a horrible disease breaking out among those who engage in certain sexual practices has actually resulted in increased public sympathy for the practitioners.

The AIDS lobby believes that sustaining such sympathy requires that they belittle or deny the connection between AIDS and homosexual practice. It is an article of faith with them that ours is a "homophobic" society. Thus *New York Times* columnist Anna Quindlen: "Over the last year we have witnessed the canonization of one AIDS patient, a 23-year-old woman named Kimberly Bergalis who says that she 'didn't do anything wrong.' This is code, and so is her elevation to national symbol. Kimberly

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Bergalis is a lovely white woman with no sexual history who contracted AIDS from her dentist. She is what some people like to call 'an innocent victim.'" (Kimberly Bergalis has since died.) To Ms. Quindlen and those who think like her, it is intolerable that we think there are innocent victims. It might lead to the conclusion that there are victims who are something other than innocent, and therefore perhaps not "victims" at all. Sympathy, however, should not have to depend upon mendacity.

AIDS is, in the jargon of the social scientists, behavior-specific. Of AIDS cases in America, 66 percent are homosexuals and 22 percent are intravenous drug users infected by homosexuals. Six percent are wives, lovers, or babies of people with AIDS. In sum, the AIDS epidemic in America is a product of homosexual activity, notably anal intercourse between men. Those in the schools who teach children that the lesson to be drawn is that "it could happen to anyone," that everyone is equally at risk, are simply lying. Teachers should not lie to their students, but most programs in AIDS education are doing precisely that. The lie is compounded by the constant contention that the answer to the crisis is government action. That routinely means increased government funding, but it is also said that President Bush and other national leaders should "speak out" on the crisis.

What on earth can the critics want? Perhaps the President should go on prime time to warn people against patterns of behavior that more than 120,000 deaths have not effectively discouraged. Or maybe there should be a law against athletes such as Magic Johnson taking the groupies that hang around the locker rooms back to their hotels. Vice President Quayle has had the temerity to speak out on AIDS. He suggests that an answer to AIDS might be abstinence. For this he is roundly reviled. Worse than not speaking out on AIDS is to speak out in a way that violates the studied pretense that AIDS is not a behavior-specific disease.

The first rule is to abstain from sex or have sex only with a faithful spouse, the second is not to use intravenous drugs. In addition, do not receive infected blood, avoid being operated on by health workers with AIDS, and somehow manage not to be born to parents with the disease. Follow those rules and you have, on the basis of everything that is known, zero chance of contracting AIDS. Follow the first two and you have much less chance of getting AIDS than of being killed in an airplane crash. Such are the relatively simple facts that a massive program of deception called "AIDS education" is designed to obscure.

Admittedly, deception is a hard word. Are we impugning the motives of those involved in this program? Yes, it does seem to come down to that, at least in many cases. No doubt there are people involved who have no desire other than to reduce the incidence of AIDS. But it would be disingenuous to deny that those who orchestrate the AIDS campaign have various other purposes in mind. This is not an accusation, for they typically do not deny it, indeed they are volubly articulate about those purposes.

At least three purposes are obvious. For some, the goal is to rescue the sexual revolution that began some three decades ago and is, in their view, one of the great progressive achievements of the century. For some, the goal is to gain social acceptance of homosexuality as an alternative lifestyle, on a par with or superior to marriage between men and women. For some, the goal is to transcend morality altogether, especially religiously grounded morality, and to create a "liberated" society of freedom unbounded in which all unpleasant consequences are amenable to a technical fix. And some embrace all three goals.

Those who embrace these goals have an enormous stake in managing very carefully the public discussion of the AIDS epidemic. They recognize that more and more people have come to the conclusion that the sexual revolution turned out to be a bust. Disease, abortion, illegitimacy, child neglect, sexual abuse, and divorce—especially men "trading in" for younger wives—have all increased sharply. The sexual revolution has simply failed in its promise to make people happy, and for many Americans that is the highest, if not the only, test of morality. For many others it has brought nothing but anxiety, domestic disaster, and, in the case of people with AIDS, death. And yet, for the true believers in what they proclaim as the defining achievement of their generation there can be, as they say, no turning back of the clock on the sexual revolution. That is exactly what the AIDS epidemic threatened to do. By dint of skillful management, backed by lavish funding and media collaboration, the threat has been held at bay and even turned to the advantage of the revolution. That is no small accomplishment.

For the proponents of homosexuality and an amoral society in which every consequence is mended by a technical fix, the chief response to the AIDS crisis is the promotion of condoms. Much attention has been paid the distribution, without parental permission, of condoms to the school children of New York City. While the political leadership of this city is certifiably madder than most, it is reported that at least sixteen school districts around the country have similar plans in the works and are watching the New York "experiment" with great interest. Critics of the program protest that it is a despair-based policy which assumes that adolescents and teenagers—especially blacks and Hispanics—are rutting animals, and the only thing to be done is to encourage them to rut more safely.

The critics are right, of course. All the studies indicate that most teenagers, including minority teenagers, are not "sexually active," if sexually active means indulging in promiscuous sex on a regular basis. According to the Department of Health and Human Services, 73 percent of fifteen-year-old girls

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in America are virgins. Fifty percent are virgins at age seventeen. The critics say that public policy should be based on strengths rather than pathologies, that it should aim at encouraging young people to follow the example of those who practice abstinence and chastity. They claim that handing out free condoms "sends the signal" that promiscuity is the normal thing. In fact, the program does not just send that signal: its promoters explicitly state that regular sex is the normal thing. They say in the program's defense that it also acknowledges abstinence as an option for those who choose it. They do not wish to be intolerant of those who, for whatever strange reason, decide not to be "sexually active." As right as the critics are on the facts, their argument misses the point. The point is that those who would salvage the sexual revolution believe that chastity and abstinence are unnatural and unhealthy. Virginity, in that view, is a form of sexual deviance.

There is a marvelous irony in the promotion of condoms. Not long ago it was argued that easy access to abortion is necessary because of the notorious failure rate of condoms. Experts claim that condoms fail 14 percent of the time, even when used according to directions. If any other consumer product was so flawed, Ralph Nader and his like would insist that it be banned. The National Commission on AIDS has established an 800 number where youngsters can get instruction on the proper use of condoms (1-800-967-5399). The two-minute message lists six steps. Presumably kids (many of whom can hardly read or write) will take notes and carry the instructions with them at all times. The last instruction is that it is very important "to withdraw the penis before ejaculation." So we are back to old-fashioned *coitus interruptus*. The technical fix for the AIDS crisis is to have adolescents and teenagers at the peak of passionate abandon take out their list of rules, follow them assiduously, and then withdraw before climax. Anyone who says this scheme has any connection with the real world is either a liar or almost incredibly stupid.

Yet there is purpose in the madness. It keeps alive the dogma of the sexual revolution that says regular sexual intercourse is necessary and healthy, and it provides great opportunity for spreading the message of the joy of homosexual sex. An official publication of the New York Public Schools, issued in the name of Joseph A. Fernandez, Chancellor, is titled "Resource Directory of Groups Providing HIV/AIDS Education to Schools." The first resource listed is ACT-UP (AIDS Coalition to Unleash Power), the group that uses brownshirt tactics to break up meetings of which it disapproves and, perhaps most infamously, desecrates the Mass at St. Patrick's Cathedral. Another resource listed is Gay Men's Health Crisis (GMHC), a somewhat less militant homosexual activist group. Other resources listed are equally committed to the homosexualist agenda.

According to the publication, these groups will supply teachers and students "with prompt support and accurate information." In short, active homosexuals who are self-described as advocates of the gay lifestyle are, under the auspices of the school system, counseling boys on the use of condoms for sexual fun and satisfaction—with safety in mind, of course. Those in charge of the program insist that condoms not be handed out willy-nilly; distribution must be accompanied by appropriate instruction. Homosexual organizations promptly volunteered to provide instructors, and the offer was readily accepted. It is not too much to say that the public schools have become an institutional procurer for the recruitment of school boys to the homosexual subculture, which in this city is less and less a *sub*culture. Little wonder that the champions of the condom program were adamant about eliminating any provisions for parental notification or consent. Little wonder that in the public hearings preceding the program's adoption the most vocal organized support was from the homosexual activists, loudly led by ACT-UP. At city hall, aides do not bother to deny that Mayor Dinkins' backing for the program was a matter of paying off a political debt to the homosexual activists without whose support he would not have been elected.

Only the children of the poor are so vulnerable to the designs of the sexual revolutionists. In New York City, with extremely few exceptions, people who can afford an alternative do not send their children to the public schools. The result is that there is a racialist, if not racist, component to the "AIDS education" program. The message is clear: black and Hispanic youngsters are not capable of the self-restraint expected of others. And again, behind that message is the assumption that, for everyone, self-restraint is unnatural and unhealthy. As one activist at the condom hearings said, "We're going to give public school kids the opportunities denied other kids in this uptight, homophobic society." Some opportunities. The sadness is deepened by the fact that a few key black churches have been enlisted in the program and, in the words of the *Times*, "now recognize that AIDS is not a moral but a medical problem."

The necessary consequence, we reluctantly conclude, is unambiguous. Homosexual activists, public school officials, politicians, and their allies in the media and some churches are, in the name of AIDS education, sentencing an indeterminate number of young people to a horrible death. Some are culpably ignorant, others know perfectly well what they are doing. In the words of the late Abraham Joshua Heschel, "Some are guilty, all are responsible." And Americans who think that this enormity is limited to places such as New York City and San Francisco have not begun to understand the culture that, absent a revival of moral sanity, their children will inherit.

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Opinion

Consequences of Columbus

Robert Royal

Just when we were convinced that *Newsweek*, like its counterpart *Time*, is an essentially superficial magazine for hurried people who want information without having to think, the mail brought the Fall/Winter 1991 Columbus Special Issue. Produced in collaboration with the "Seeds of Change" exhibit on display at the Smithsonian's Museum of Natural History in Washington, the magazine provides over eighty pages of generally sound history and analysis of Columbus and of the vast changes in flora and fauna, diet and cultural patterns that followed 1492. Whatever else may be said of Columbus, write the editors, he had consequences, and those consequences "hold the key to the meaning of Columbus' voyages."

In strictly philosophical terms, this argument may come dangerously close to the consequentialism favored by some suspect philosophers and theologians. *Newsweek* and the Smithsonian clearly feel ill-equipped to face the partisan firestorm over Columbus *per se* and have taken the prudent course of describing instead 1492's consequences, good and bad. Whatever the shortcomings of this approach, it at least has the merit of examining closely and impartially a wide variety of facts about the last five hundred years in the Americas and the world.

By comparison, the National Council of Churches' document "A Faithful Response to the 500th Anniversary of the Arrival of Christopher Columbus," published in 1990 amidst much controversy, was a far less morally serious text. *Newsweek* amply demonstrates the wealth of interesting and morally relevant material on Columbus, Native Americans, the Spanish settlements, disease, slavery, and a host of other issues available to anyone who takes the trouble to look. The NCC, however, apparently thought a "faithful response" means moralistic denunciation on the basis of a few vague references to what we all, of course, recognize as the historical impartiality of Howard Zinn and the moral finality of "Black Elk Speaks."

In December of 1990, the National Conference of Catholic Bishops (NCCB) issued a far better informed and reasoned pastoral letter, "Heritage and Hope: Evangelization in America." In it, besides proper rejection of past atrocities and present neglect of Native Americans, a picture emerges of the complex interaction between European and native peoples that began after 1492. Yet even the Catholic bishops tread gingerly around various questions. They seem so concerned to show their solidarity with the current plight of Native Americans that they make blanket statements about pre-Columbian Indian cultures that do not accurately reflect historical reality. In the bishops' reading, the hundreds of different Native American cultures all had a natural piety already. The missionaries had only the modest task of explaining "how Christianity complemented their beliefs and challenged those things in their culture that conflicted with Christ's message."

The high Indian civilizations of the Aztecs, Mayas, and Incas in fact needed a far more vigorous spiritual liberation than that (see my "1492 and All That," First Things, May 1991). And even some less-developed tribes were engaged in activities we would not speak about in the bishops' measured tones were they still practiced today. For example, almost everyone deplores Columbus' mistreatment of the gentle and peace-loving Arawaks he encountered in the Caribbean. But how many people are aware that one of the reasons the Arawaks welcomed the Europeans so warmly was their fear of the Carib Indians who were, as one modern historian puts it, "then expanding across the Lesser Antilles and literally eating the Arawaks up"?

A condescending *noblesse oblige* continues to cloud our discussions of European and Native cultures. Whether the issue is natives carrying out human sacrifice, torture, cannibalism, and environmental damage in the past, or Indians poised (in age-old custom) to burn tropical rain forests in the present, the tendency is to paint European sins all the blacker by whitewashing their native counterparts. Native spokesmen and their advocates in institutions like the NCC have a point, but fail at the morally important responsibility of identifying not only Europe's sins, but those aspects of Native cultures that have been changed for the better by the encounter with Europe.

In fact, the very form of the typical moral argument against the European arrival presupposes some European principles that we have wrongly come to take for granted. European behavior in the New World is usually denounced for its cultural arrogance and its violation of universal human and political rights. Yet no other culture in the world conceived of universal respect for human persons and the embodiment of that principle in international law prior to European development of these doctrines—prodded in part by the encounter with American natives. We now blithely assume that all two-legged creatures who look like us are persons deserving human treatment, including a proper valuing of their cultures. But that realization was won by hard thinking in the face of some difficult circumstances.

China, for example, was a high ancient civilization that until the last century knew little about other cultures. It regarded itself as normative for the rest of the world and worried little about "rights." Most other cultures felt more or less the same, particularly tribal societies, which were often at perpetual war with one another. Before 1492, Europe had had some contact with Jews, Muslims, and Asians, which forced it to develop some

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ideas about tolerance and pluralism in civic life. But the contact with America was the event that caused a profound rethinking of everything.

To begin with, there was a religious question. One of the controversies from the Middle Ages that Columbus' voyage reignited was not whether the world was round (every educated person knew that), but whether people could exist at the antipodes (the ends of the Earth). Far from being the kind of idle speculation that some anti-medievalists associate with angels dancing on the heads of pins, this question had profound repercussions. Would God have created any people outside of all contact with the Old and New Testaments? One of the consequences of such a creation would be that the people would have been left without at least potential knowledge of what was needed for salvation. The problem arose, thus, not from ignorance, but from profound concern about the form of God's universal charity.

This dispute had immediate importance for moral reflections on the Indians. Having lived separate from the Old World, they could not be held responsible for failure to accept the Gospel (as some thought Jews and Muslims could be held responsible). Bartolomé de las Casas, the widely acclaimed Dominican priest who defended the Indians, went so far as to argue that even human sacrifice and cannibalism among the natives should not be held against them because both practices showed deep reverence and a spirit of sacrifice towards the Almighty.

Las Casas' defense was noble and in part effective, even though we may now think somewhat differently about the full moral and religious significance of these native practices. His work, however, forced Europe into unprecedented reflections on what constituted a rational being. Native religion and life were, whatever their shortcomings, clearly not the creation of irrational brutes. The Spanish crown was so sensitive to these moral arguments that in 1550 it ordered all military activity to cease in the Americas and created a royal commission at Valladolid to examine Spain's behavior in the New World. No other growing empire in history has ever similarly interrupted itself to take up moral issues. Ultimately, greed and ineffective Spanish administration led to the abuses we know of, but the commission did bring about penalties for some of the worst offenders, as well as certain reforms in administration and policy.

At Valladolid, Las Casas argued against Juan Ginés de Sepúlveda, another theologian, that Indians were human beings. Sepúlveda rejected that argument, but to establish his case he had to try to prove that reason was so weak in the Indians that, left to themselves, they could not live according to reason. By commonly accepted Christian principles, only rational incapacity, not (as is often assumed) the mere assertion of European cultural superiority, could justify Spanish control of natives, and even then only for the good of the Indians. The judges of the debate did not reach a definite conclusion, but Valladolid represents a consolidation of Spanish and papal misgivings going back to 1500, and gross mistreatment of the Indians gradually lessened.

The second great moral result of the European arrival in the New World came in the area of international law. Again, we now take it for granted that even nations deeply alien to us have a right to their own territory and culture, but it is largely due to the reflections begun by Francisco de Vitoria, a Dominican theologian and friend of Las Casas, that we have such principles. Vitoria was highly respected by the Spanish king, who appointed him to several royal commissions (unfortunately, he died before the great debate at Valladolid). But Vitoria did not hesitate to tell the monarch that he had no right to lands occupied by Indians, nor could he make slaves out of rational beings. Furthermore, Vitoria went so far as to call the 1494 Treaty of Tordesillas, in which the Pope ceded lands to the Spanish and Portuguese, improper because the pontiff did not have temporal sovereignty over the earth, particularly over lands already occupied by natives.

In this, Vitoria was developing principles that were also coming to have an influence over Pope Pius III, who in response to reports from the New World proclaimed in his 1537 encyclical *Sublimis Deus*:

> Indians and all other people who may later be discovered by the Christians are by no means to be deprived of their liberty or the possession of their property, even though they be outside the faith of Jesus Christ; and they may and should, freely and legitimately, enjoy their liberty and the possession of their property; nor should they be in any way enslaved; should the contrary happen it shall be null and of no effect. . . . By virtue of our apostolic authority we declare . . . that the said Indians and other peoples should be converted to the faith of Jesus Christ by preaching the word of God and by the example of good and holy living.

Christian sentiments like these led Vitoria to the elaboration of the beginnings of that system of global law that has borne fruit today.

Perhaps the most telling sign of the new moral reflection stimulated by contact with natives, however, is a little-known proposal by the first viceroy of New Spain, the shrewd and competent Antonio de Mendoza. In an attempt to deal with the various factions contending over the Indian question in the New World, Mendoza suggested a simple solution: "Treat the Indians like any other people and do not make special rules and regulations for them. There are few persons in these parts who are not motivated in their opinions of the Indians by some interest, good or bad." In this early wisdom, the seeds of fair and impartial treatment for all, regardless of origin, begin to sprout—a strongly, almost uniquely, American trait necessitated by the rich mixture of various peoples on these shores.

When we are tallying up the moral accounts of the last five hundred years, a good practice periodically for any people, we should recall that ethical developments,

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too, are a consequence of Columbus. *Newsweek* and the Smithsonian might have treated more fully the significant stages in that story. Is it too much to hope that our churches, even in their current condition, will come to appreciate and to remind us how Christianity, in spite of a tortuous and tangled history, has contributed to the moral development of our still sadly underdeveloped humanity?

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Blue Ridge Modernity Blues

Seth Williamson

It's a mild winter evening in the Blue Ridge mountains. The faint sounds of banjo and fiddle from Cockram's General Store and the first cries of a distant night bird waft over my back porch in the little town of Floyd, Va. (pop. 396). Roaming the misty ridges that vanish over toward Panther Knob and Rock Castle Gorge, they say, are the ghosts of murdered moonshiners and mountain girls who died for love. The *Washington Post* recently did a story on this place—"the legendary town where time has stopped," they called us, where "it's always 1930 or 1905." For many of us who moved here from elsewhere, that's just the way we like it.

There's another sound this evening: my older daughter, practicing Spanish in her room. Somehow she conceived the desire to learn this language and has been attacking it vigorously and unsystematically, spending her allowance on dictionaries and phrase books, searching out adults who can teach her pronunciation. Though foreign languages are no longer a rarity in elementary schools they're not offered here in Floyd, and not knowing the language myself I can help little.

Oddly enough it's been Deirdre's struggle to acquire Spanish that has reminded me that even in Floyd you can't escape the twentieth century. The local school authorities have resisted the idea of hiring elementary school language teachers, but pursuant to a new state law they have added several elementary school "counselors." There is a squishy sixties feel to what the kids bring back from their encounters with the counselors, who spend much of their time promoting concepts like "self-esteem." Outside observers may not have suspected that the self-esteem situation had reached crisis proportions among American students, who in a recent study of math skills placed dead last compared to youngsters from other nations but who nevertheless rated themselves first.

It's perhaps unfair to the counselors, but it's hard to avoid invidious comparisons between their actual worth to average children and that of a teacher in a field of unquestioned academic substance—Spanish, say. Proponents claim elementary school counselors are needed for the many children who are victims of horrific domestic situations. Maybe so. But it's precisely the militant antitraditionalism of organizations like the National Education Association—their incomprehension of religion's role in the lives of ordinary people, their contempt for the Judeo-Christian legacy of the West—that has helped create the moral wreckage that litters the post-sixties American landscape.

This is an irony that would be lost on the counselor—call her Ms. Nouvelle—who told my ten-year-old daughter Emily that homosexuality was "just a choice" that some people made. When I called to inquire about this statement, Ms. Nouvelle allowed as how she didn't like to use "judgmental" terms like "right" or "wrong." Would she, I asked, be willing to say that using illegal drugs was wrong? No, not even drugs, she replied—she'd simply point out the consequences of using drugs and let the kids make their own decisions. Was it something like this that prompted H. L. Mencken to speak of education as full of "brutal violations of common sense and common decency"? I probably sounded horrified, because Ms. Nouvelle finally admitted that perhaps in this case she would stretch a point and tell the children that drug use was indeed "wrong." But coming after five minutes of argument, this concession added up to something less than a ringing endorsement of sanity.

The depressing thing about all this is that Ms. Nouvelle is not a fool, though she has been trained to talk like one. In a small town like this there's abundant opportunity to see her raise her own child, with whom she is not at all reluctant to use "judgmental" words such as "right" and "wrong." I like to think this is because, deep down, she realizes that the "situational ethics" pushed by the teacher-training schools is nonsense. But place her in a classroom and she suddenly develops a strange reluctance to say what all sane people know to be true: that illegal drugs are wrong. Not just unhealthy or even dangerous, but wrong. Period.

In her unwillingness to utter the obvious we see the displacement of the rich moral universe of the Scotch-Irish mountaineers—the locale of countless freely made choices pregnant with literally eternal consequences—by a gray calculus of cost and benefit. Cocaine (or adultery or homosexuality or stealing) may be a risky bet. But then again, maybe you can beat the odds. In any case, whatever you do is just another "option."

The real irony is that people who believe life works this way earnestly consider that they've finally put the moral life of children on a serious footing. In fact, their hidden nihilism leads inevitably to a radically frivolous view of existence in which no human action may have transcendent significance.

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Not far from this back porch the last rays of sunlight fall on a mountain graveyard containing the mortal remains of a young wife who died in childbirth, of infants carried off by influenza, of a man kicked to death by his mule. Here were lives lived in the light of eternity, punctuated by tragedy, illuminated by the joy of unbiddable grace. Whatever else they were, these were humans convinced that, in some mysterious way, their existence was of incalculable significance to their Creator, and that one day they would see it all clearly. The new wisdom that the education schools export to these mountains—which won't even say that drug use is wrong—denies utterly that significance.

The last light falls down the sky behind Buffalo Knob; Deirdre has put away her Spanish and walked with her sister to Cockram's General Store to do some flat-footing to the bluegrass music. The girls love "the legendary town where time has stopped" and can imagine life nowhere else. Perhaps Deirdre will learn Spanish, perhaps not; she will most certainly hear many more pep talks on self-esteem and whatever other new enthusiasms grip the counselors.

Time, of course, really hasn't stopped here. But the big-city reporter's account of our town reminds me of Gilbert Chesterton's delightful Keystone Kops vision of orthodoxy (which for him signified sanity itself). Chesterton saw orthodoxy as a chariot perilously careening through the ages, leaving dull heresies scattered on all sides. It seems to me that the chariot drivers in late-twentieth-century America mostly live quiet and anonymous lives in towns like this one. It may be a close call, but sanity will survive even the heresies of education professors, because my neighbors who hold the reins know the destination—always and ever—is Eternity.

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The Body Has a Clarity

The body has a clarity
Between high and low hierarchies
tenebras et luces.

He would be undone
Who for too long scorns
Either throng to court the other.

Vengeance is mine clamors
Each. Angel bright of
Intellection, her glittering

Sword sends straight to
Heaven. Angel dark of
Palpitation, her furious

Pockets bulge with victims.
No body, any body.
Does a body lie between

For habitation? A clarity
Of green stretches between
Heavenly chant and infernal refrain.

There, the body rests
From the heat of the day
In the shade of a cultivated tree.

Mary Freeman

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A New Order of Religious Freedom

Richard John Neuhaus

More than he wanted to be remembered for having been President, Mr. Jefferson wanted to be remembered as the author of the Virginia "Bill for Establishing Religious Freedom." In his draft of that bill he wrote: "The opinions of men are not the object of civil government, nor under its jurisdiction." In a republic of free citizens, every opinion, every prejudice, every aspiration, every moral discernment has access to the public square in which we deliberate the ordering of our life together.

"The opinions of men are not the object of civil government, nor under its jurisdiction." And yet civil government is ordered by, and derives its legitimacy from, the opinions of the citizenry. Precisely here do we discover the novelty of the American experiment, the unique contribution of what the Founders called this *novus ordo seclorum*, a new order for the ages. Never before in human history had any government denied itself jurisdiction over that on which it entirely depends, the opinion of its people.

That was the point forcefully made by Lincoln in his dispute with Stephen Douglas over slavery. Douglas stubbornly held to the Dred Scott decision as the law of the land. Lincoln had the deeper insight into how this republic was designed to work. "In this age, and this country," Lincoln said, "public sentiment is every thing. *With* it, nothing can fail; *against* it, nothing can succeed. Whoever moulds public sentiment, goes deeper than he who enacts statutes, or pronounces judicial decisions. He makes possible the inforcement of these, else impossible."

The question of religion's access to the public square is not first of all a question of First Amendment law. It is first of all a question of understanding the theory and practice of democratic governance. Citizens are the bearers of opinion, including opinion shaped by or espousing religious belief, and citizens have equal access to the public square. In this representative democracy, the state is forbidden to determine which convictions and moral judgments may be proposed for public deliberation. Through a constitutionally ordered process, the people will deliberate and the people will decide.

In a democracy that is free and robust, an opinion is no more disqualified for being "religious" than for being atheistic, or psychoanalytic, or Marxist, or just plain dumb. There is no legal or constitutional question about the admission of religion to the public square; there is only a question about the free and equal participation of citizens in our public business. Religion is not a reified "thing" that threatens to intrude upon our common life. Religion in public is but the public opinion of those citizens who are religious.

As with individual citizens, so also with the associations that citizens form to advance their opinions. Religious institutions may understand themselves to be brought into being by God, but for the purposes of this democratic polity they are free associations of citizens. As such, they are guaranteed the same access to the public square as are the citizens who comprise them. It matters not at all that their purpose is to advance religion, any more than it matters that other associations would advance the interests of business or labor or radical feminism or animal rights or whatever.

For purposes of democratic theory and practice, it matters not at all whether these religious associations are large or small, whether they reflect the views of a majority or minority, whether we think their opinions bizarre or enlightened. What opinions these associations seek to advance in order to influence our common life is entirely and without remainder the business of citizens who freely adhere to such associations. It is none of the business of the state. Religious

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associations, like other associations, give corporate expression to the opinions of people and, as Mr. Jefferson said, "the opinions of men are not the object of civil government, nor under its jurisdiction."

It is to be feared that those who interpret "the separation of church and state" to mean the separation of religion from public life do not understand the theory and practice of democratic governance. Ours is not a secular form of government, if by "secular" is meant indifference or hostility to opinions that are thought to be religious in nature. The civil government is as secular as are the people from whom it derives its democratic legitimacy. No more, no less. Indeed a case can be made—and I believe it to be a convincing case—that the very founding principle that removes opinion from the jurisdiction of the state is itself religious in both historical origin and continuing foundation. Put differently, the foundation of religious freedom is itself religious.

"We hold these truths," the Founders declared. And when these truths about the "unalienable rights" with which men are "endowed by their Creator" are no longer firmly held by the American people and robustly advanced in the public square, this experiment will have come to an end. In that unhappy case, this experiment will have turned out to be not a *novus ordo seclorum* but a temporary respite from humanity's penchant for tyranny. Yet in the second century of the experiment, secularized elites in our universities and our courts became embarrassed by the inescapably religious nature of this nation's founding and fortune.

These secularized elites have devoted their energies to explaining why the Founders did not hold the truths that they said they held. They have attempted to strip the public square of religious opinion that does not accord with their opinion. They have labored assiduously to lay other foundations than those laid in the beginning. From John Dewey to John Rawls, and with many lesser imitators in between, they have tried to construct philosophical foundations for this experiment in freedom, only to discover that their efforts are rejected by a people who stubbornly persist in saying with the Founders, "We hold these truths." A theory of democracy that is neither understood nor accepted by the democracy for which it is contrived is a theory of democracy both misbegotten and stillborn. Two hundred years ago, and even more so today, the American people, from whom democratic legitimacy is derived, are incorrigibly religious. This America continues to be, in the telling phrase of Chesterton, "a nation with the soul of a church."

And yet there are those who persist in the claim that "the separation of church and state" means the separation of religion from public life. They raise the alarm about "church-state conflicts" that are nothing of the sort. There are conflicts, to be sure, but they are the conflicts of a robust republic in which free citizens freely contend in the public square. The extreme separationists will tolerate in public, they may even assiduously protect, the expression of marginal religious opinion, of opinion that is not likely to influence our common life. But they take alarm at the voice of the majority. In that voice it is the people that they hear; it is the people that they fear; it is democracy that they fear.

Mr. Jefferson did not say that the civil government has no jurisdiction over opinion *except* when it is religious opinion. He did not say that the civil government has no jurisdiction over opinion *except* when it is expressed through associations called churches or synagogues. He did not say that the civil government has no jurisdiction over opinion *except* when it is majority opinion. He said, "The opinions of men are not the object of civil government, nor under its jurisdiction."

Many worry about the dangers of raw majoritarianism, and well we all should worry. The Founders worried about it, and that is why they devised a constitutional order for *representative* governance, and for the protection of minority opinion and behavior. But, without the allegiance of the majority to that constitutional order, such protections are only, in the words of James Madison, "parchment barriers" to tyranny. As Lincoln observed, without the support of public sentiment, statutes and judicial decisions—including those intended to protect citizens who dissent from public sentiment—cannot be enforced.

In our day, minorities seeking refuge in the protections of the Constitution frequently do so in a manner that pits the Constitution against the American people. That is understandable, but it is a potentially fatal mistake. We must never forget the preamble and irreplaceable premise of the Constitution: "We the people . . . do ordain and establish this Constitution for the United States of America." That is to say, the Constitution and all its protections depend upon the sentiment of "we the people." Majority rule is far from being the only principle of democratic governance, but it is a necessary principle. In the Constitution, the majority imposes upon itself a self-denying ordinance; it promises not to do what it otherwise could do, namely, ride roughshod over the dissenting minorities.

Why, we might ask, does the majority continue to impose such a limitation upon itself? A number of answers suggest themselves. One reason is that most Americans recognize, however inarticulately, a sovereignty higher than the sovereignty of "we the people." They believe there is absolute truth but they are not sure that they understand it absolutely; they are, therefore, disinclined to force it upon those who disagree. It is not chiefly a secular but a religious restraint that prevents biblical believers from coercing others in matters of conscience. For example, we do not kill one another over our disagreements about the will of God because we believe that it is the will of

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God that we should not kill one another over our disagreements about the will of God. Christians and Jews did not always believe that, but, with very few exceptions, we in this country have come to believe it. It is among the truths that we hold.

Then too, protecting those who differ is in the self-interest of all. On most controverted issues in our public life, there is no stable majority, only ever-shifting convergences and divergences. Non-Christians, and Jews in particular, sometimes see an ominous majoritarian threat in the fact that nearly 88 percent of the American people claim to be Christian. As a matter of practical fact, however, that great majority is sharply divided along myriad lines when it comes to how civil government should be rightly ordered. Furthermore, a growing number of Christians, perhaps most Christians, have a religiously grounded understanding of the respect that is owed living Judaism. Those Christians who argue that "Christian America" should be reconstructed in conformity with a revealed biblical blueprint for civil government are few and marginal, and are likely to remain so.

Father John Courtney Murray observed that, while in theory politics should be unified with revealed truth, "it seems that pluralism is written into the script of history." Some of us would go further and suggest that it is God who has done the writing. Pluralism is our continuing condition and our moral imperative until the End Time, when our disagreements will be resolved in the coming of the Kingdom. The protection against raw majoritarianism, then, depends upon this constitutional order. But this constitutional order depends, in turn, upon the continuing ratification of the majority who are "we the people." Among the truths these people hold is the truth that it is necessary to protect those who do not hold those truths.

It is a remarkable circumstance, this American circumstance. It is also fragile. We may wish that Lincoln was wrong when he observed that "In this age, and this country, public sentiment is every thing." But he was right, and in the conflict over slavery he was to see public sentiment turn against the constitutional order and nearly bring it to irretrievable ruin. We are dangerously deceived if we think that Lincoln's observation about our radical dependence upon public sentiment is one whit less true today.

The question before us, then, is not the access of religion to the public square. The question is the access, indeed the full and unencumbered participation, of men and women, of citizens, who bring their opinions, sentiments, convictions, prejudices, visions, and communal traditions of moral discernment to bear on our public deliberation of how we ought to order our life together in this experiment that aspires toward representative democracy. It is of course an aspiration always imperfectly realized.

II

I noted at the start that the question before us is not first of all a question of First Amendment law. It is a question, first of all, of understanding the origins, the constituting truths, and the continuing foundations of this republic. That having been said, the question before us is also and very importantly a question of the First Amendment, and of the first liberty of that First Amendment.

The first thing to be said about that first liberty is that liberty is the end, the goal, and the entire rationale of what the First Amendment says about religion. This means that there is no conflict, no tension, no required "balancing" between free exercise and no-establishment. There are not two religion clauses. There is but one religion clause. The stipulation is that "Congress shall make no law," and the rest of the clause consists of participial modifiers explaining what kind of law Congress shall not make. This may seem like a small grammatical point, but it has far-reaching jurisprudential significance.

The no-establishment part of the religion clause is entirely and without remainder in the service of free exercise. Free exercise is the end; no-establishment is a necessary means to that end. No-establishment simply makes no sense on its own. Why on earth should we need a no-establishment provision? The answer is that no-establishment is required to protect the rights of those who might dissent from whatever religion is established. In other words, no-establishment is required for free exercise. It is, one may suggest, more than a nice play on words that Mr. Jefferson's bill of 1779 was called the "Bill for *Establishing* Religious Freedom." The purpose of the non-establishment of religion is to establish religious freedom. It follows that any interpretation of no-establishment that hinders free exercise is a misinterpretation of no-establishment.

In recent history, especially in the last four decades, the priority of free exercise has been dangerously obscured. Indeed, one must go further. The two parts of the religion clause have been quite thoroughly inverted. One gets the distinct impression from some constitutional scholars and, all too often, from the courts that no-establishment is the end to which free exercise is something of a nuisance. To take but one prominent example, Laurence Tribe writes in his widely used *American Constitutional Law* that there is a "zone which the free exercise clause carves out of the establishment clause for permissible accommodation of religious interests. This carved-out area might be characterized as the zone of permissible accommodation."

There we have the inversion clearly and succinctly stated. Professor Tribe allows—almost reluctantly, it seems—that, within carefully prescribed limits, the *means* that is no-establishment might permissibly

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accommodate the *end* that is free exercise. This is astonishing, and it is the more astonishing that it no longer astonishes, for Professor Tribe is hardly alone. Scholars and judges have in these few decades become accustomed to having the religion clause turned on its head.

Once we forget that no-establishment is a means and instrument in support of free exercise, it is a short step to talking about the supposed conflict or tension between the two provisions. And from there it is a short step to the claim that the two parts of the religion clause are "pitted against one another" and must somehow be "balanced." And from there it is but another short step to the idea that the no-establishment provision protects "secular liberty" while the free exercise provision protects "religious liberty." When the religion clause is construed according to this curious inversion, it is no surprise that religious liberty comes out the loser. Any impingement of religion upon public life is taken to violate the "secular liberty" of the nonreligious. Thus has no-establishment become the master of the free exercise that it was designed to serve.

We need not speculate about the practical consequences of this curious inversion of the religion clause. The consequences are plainly to be seen all around us. In the name of no-establishment, wherever government advances religion must retreat. And government does inexorably expand its sway over the entire social order. In education, social services, and other dimensions of public life, it is claimed that, for the sake of the non-establishment of religion, Americans must surrender the free exercise of religion. Those who insist upon the exercise of religious freedom in education, for example, must forego the government support that is available to those who do not so insist. Thus is religious freedom penalized in the name of a First Amendment that was designed to protect religious freedom. Thus has the constitutionally privileged status of religion been turned into a disability. Thus has insistence upon the free exercise of religion been turned into a disqualifying handicap in our public life.

The argument that public policy should not discriminate against citizens who are religious is said to be an instance of special pleading by those who have an interest in religion. That seems very odd in a society where over 90 percent of its citizens claim to be religious. It is more than odd, it is nothing less than grotesque, that we have become accustomed to the doctrine that public policy should not benefit religion. What is this "religion" that must not be benefited? It is the individually and communally expressed *opinion* of a free people. To say that government should not be responsive to religion is to say that government should not be responsive to the opinion of the people. Again, the argument of extreme separationism is, in effect, an argument against democratic governance.

Once more, Mr. Jefferson: "The opinions of men are not the object of civil government, nor under its jurisdiction." The state of current First Amendment jurisprudence is such that the opinions of men and women, when they are religious, have been placed under the jurisdiction of the government. According to the inverted construal of the religion clause, wherever the writ of government runs the voice of religion must be silenced or stifled—and the writ of government runs almost everywhere. No-establishment, the servant of the free exercise of religion, has become the enemy of the free exercise of religion.

To contend for the free exercise of religion is to contend for the perpetuation of a nation "so conceived and so dedicated." It is to contend for the hope "that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth." Despite the perverse jurisprudence of recent decades, most Americans still say with the Founders, "We hold these truths." And, with the Founders, they understand those truths to be religious both in their origin and in their continuing power. Remove that foundation and we remove the deepest obligation binding the American people to this constitutional order.

The argument here is not for an unbridled freedom for people to do whatever they will, so long as they do it in the name of religion. That way lies anarchy and the undoing of religious freedom in the name of religious freedom. There are of necessity limits on behavior, as distinct from opinion. But the constitutionally privileged and preferred status of religious freedom is such that, when free exercise is invoked, we must respond with the most diligent caution. The invocation of free exercise is an appeal to a higher sovereignty. The entire constitutional order of limited government is premised upon an acknowledgment of such higher sovereignty.

Sometimes—reluctantly, and in cases of supreme and overriding public necessity—the claim to free exercise protection for certain actions must be denied. Where such lines should be drawn is a matter of both constitutional law and democratic deliberation. It is a matter that engages the religiously grounded moral discernments of the public, without whose support such decisions cannot be democratically implemented. In other words, in this age and this country, the limits on the free exercise of religion must themselves be legitimated religiously.

A morally compelling reason must be given for refusing to allow people to do what is morally compelling. Those who seriously invoke the free exercise of religion claim to be fulfilling a solemn duty. As Madison, Jefferson, and others of the Founders understood, religious freedom is a matter less of rights than of duties. More precisely, it is a matter of rights derived from duties. Denying a person or community

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the right to act upon such duty can only be justified by appeal to a yet more compelling duty. Those so denied will, of course, usually not find the reason for the denial compelling. Because they may turn out to be right about the duty in question, and because, even if they are wrong, religion bears witness to that which transcends the political order, such denials should be both rare and painfully reluctant.

We have in this last half-century drifted far from the constituting vision of this *novus ordo seclorum*. The free exercise of religion is the irreplaceable cornerstone of that order. In his famed *Memorial and Remonstrance*, James Madison wrote: "It is the duty of every man to render to the Creator such homage, and such only, as he believes to be acceptable to Him. This duty is precedent, both in order of time and in degree of obligation, to the claims of Civil Society."

The great problem today is not the threat that religion poses to public life, but the threat that the state, presuming to embody public life, poses to religion. The entire order of freedom, including all the other freedoms specified in the Bill of Rights, is premised upon what Madison calls the precedent duty that is religion. When the American people can no longer publicly express their obligations to the Creator, it is to be feared that they will no longer acknowledge their obligations to one another—nor to the Constitution in which the obligations of freedom are enshrined. The free exercise of religion is not about mere "access." The free exercise of religion is about the survival of an experiment in which civil government has no jurisdiction over the expression of the higher loyalties on which that government depends.

Debates over the niceties of First Amendment law must and will continue. We should not forget, however, that our real subject is the constituting vision of a constitutional order that, if we have the wit and the nerve for it, may yet turn out to be a new order for the ages. ☐

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The Catholic Public Servant

James L. Buckley

The Supreme Court is not exempt from the law of unintended consequences. The Court may have anticipated the robust industry that *Roe v. Wade* would launch. But surely, it did not foresee the intensity and duration of the ensuing debate over abortion, or its extraordinary impact on American politics. As a Catholic judge who was once an actor in the political arena, I am concerned here with two notions that have gained currency as a result of that debate.

The first of these holds that federal judges serve as philosopher kings, that they are endowed with the authority not merely to interpret the law, but to ordain it. That, of course, is the implicit premise behind the controversy over recent Supreme Court nominations, which has focused largely on the nominees' putative views on essentially political questions. The second asserts, in effect, that it is un-American to advocate any public policy that is derived from religious teachings, the implication being that such advocacy is somehow subversive of the religion clauses of the First Amendment. Thus it seeks to impose on the debate of important public issues a code of "politically correct" restrictions that would crowd religious perspectives out of the political marketplace.

Because their church has declined to trim its moral teachings to accommodate contemporary fashion, American Catholics have been particularly, though not uniquely, affected by these new perceptions of the courts and the First Amendment. Given the Church's teachings on abortion, it is hardly surprising that Governor Douglas Wilder and other Americans who think of judges as policymakers should express concern over the nomination of a Catholic to the Supreme Court, the Constitution's prohibition of religious tests for public office notwithstanding. Moreover, Catholics who advocate laws to protect the unborn are routinely criticized for attempting to "impose" their religious values on others. At times, it is even suggested that they have still to prove themselves acceptable participants in American political life.

I propose to address these misconceptions by presenting my own understanding of the nature and limits of my authority as a federal judge, and by offering some thoughts on the role of the Catholic community in America today. But first, it is necessary to place the discussion in its constitutional and historical context.

The Founders of the American Republic were not afraid of religion. To the contrary, they thought it essential to the success of their fledgling government. A common theme that ran through their writings was that the survival of the Republic, as well as of the liberties it was intended to protect, ultimately depended on what the Founders referred to as the "republican morality" of its citizens. They further understood that there was a link between religion and virtue. Thomas Jefferson, hardly a "churched" man, referred to religion as the "alpha and omega of the moral law"; John Adams asserted that "our Constitution was made only for a moral and religious people"; and in his Farewell Address, Washington warned that "reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle."

In sum, we live in a society in which the importance of religion has always been recognized. And while the First Amendment forbids laws "respecting an establishment of religion," it has never required that the state be isolated from exposure to religious principles. To read the Constitution as though it did would be to rob religious liberty of meaning. The men gathered in Philadelphia who outlawed religious tests for public service surely had the practical common sense to know—if some contemporary ideologues do not—that in those roles in which public servants are expected

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to bring their personal judgments to bear, including judgments as to what is right or wrong, moral or immoral, the views of religious individuals will inevitably reflect their religious beliefs. It is, quite simply, fatuous to suppose that a public official can check the religious components of his convictions at the door before entering the council chambers of government.

Thus under our constitutional arrangements, a President and members of Congress need never apologize for the fact that their views or votes reflect their religious convictions. As members of the elected branches of our government, they are expected to engage in the formulation of public policy subject only to the restraints imposed by the Constitution. The role of a federal judge, however, is of a significantly different kind. As an unelected official, he can claim no mandate to reconstruct public policy. Rather, his constitutional duties are exclusively judicial: it is his job to give force and effect to the law, whether he agrees with it or not; and that is responsibility enough.

When I took my oath of office, I solemnly swore that I would "administer justice without respect to persons, and . . . faithfully and impartially discharge all the duties incumbent upon me as a United States Circuit Judge, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States." The authority that was vested in me upon taking that oath is derived exclusively from the Constitution. Thus the justice I am sworn to administer is not justice as I might see it, but justice as defined by the Constitution and laws and legal traditions of the United States. And if I consciously deviate from that body of law to do justice as I see it, I violate my oath of office and undermine the safeguards embodied in the Separation of Powers. Should I ever be asked to hear a case in which the application of the law might result in my material complicity in an immoral act, I would have to examine my conscience and, if it so dictated, recuse myself. What I may not do is bend the law to suit my conscience.

A judge, of course, is no more relieved of moral responsibility for his work than anyone else in either private or public life. The duty of a federal judge, however, is to be measured by the requirements of his office. A man cannot act as the impartial arbiter of the law unless he is willing to apply it. That, in part, is what is meant by judicial temperament—the ability to subordinate personal feelings and beliefs to the constitutional duties assumed—what Robert Bork has described as the principled jurist's "continuing self-conscious renunciation of power."

I recognize that the commands of the positive law are not always self-evident. If they were, the work of my court would be far lighter than it is. Nevertheless, whether these commands are clear or opaque, the same underlying principle applies. When faced with ambiguities, or with problems that fall within the interstices that inevitably exist within and between laws, a judge is necessarily called upon to exercise a large measure of discretion. In doing so, he will inevitably bring to that task everything that he is—the books he has read; his experience as spouse, parent, and public official; his understanding of the nature of man and the responsibilities of citizenship; his sense of justice; even his sense of humor. A judge is not a machine, and the judicial function cannot be displaced by a formula or measured by an equation. But while his own experience will necessarily affect how he reads the law, it is a judge's task to discern the governing legal principles as objectively as he can, and then to apply them.

Some suggest that there is one area in which a judge may exercise broad discretion, although I myself have yet to encounter it. There is an ongoing debate as to whether the Constitution incorporates the great principles of natural law that inform the Declaration of Independence. The suggestion is not implausible. Every regime, after all, rests on certain beliefs, beliefs about the nature and purpose of man and about the nature and purpose of civil society, beliefs about why one way of life is morally superior to another. Whether or not comprehensively and formally articulated, those beliefs are the animating principles of that regime's fundamental law or constitution. In our case, what Abraham Lincoln called the "central idea" that animates the American body politic is the idea of human equality as articulated in the Preamble to the Declaration. But, again, should the resolution of a particular constitutional issue require reference to concepts of natural law, the principles I must apply will be found not in my subjective notions of justice, not in the teachings of Catholic theologians, but in the Organic Laws of the United States: more specifically, in the Declaration and the Constitution.

Finally, there are numerous occasions on which a judge is called upon to apply such elusive concepts as "fairness" and "reasonableness." These will typically involve a question of due process, and will draw on a judge's general experience and judgment. But even in such instances, judges are enjoined to seek out objective criteria. Thus, the Supreme Court has cautioned that "judges are not free, in defining 'due process,' to impose . . . [their] 'personal and private notions' of fairness and to 'disregard the limits that bind judges in their judicial function.' [Their] task is more circumscribed. [They] are to determine only whether the action complained of . . . violates those 'fundamental conceptions of justice which lie at the base of our civil and political institutions,' and which define 'the community's sense of fair play and decency.'" I confess that it is hard to find any "bright lines" in this instruction, but I believe the sense of it is clear. Nevertheless, because the Supreme Court's reference to "the community's sense of fair play"

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echoes some sentiments expressed by Justice William Brennan in his 1985 address at Georgetown University, sentiments with which I have been bold enough to take issue, I believe it appropriate to state my own view of the role of a judge in interpreting the Constitution.

In his address, Justice Brennan observed that "the genius of the Constitution rests not in any static meaning it might have had in a world that is dead and gone, but in the adaptability of its great principles to cope with current problems and current needs." He stated that "the act of interpretation must be undertaken with full consciousness that it is, in a very real sense, the community's interpretation that is sought." With all respect, this statement seems to me to beg the question of a tenured judge's competence to speak for the community at large. Justice Brennan also spoke of the Bill of Rights as "a sparkling vision of the supremacy of the human dignity of every individual," and stated that it is the function of federal courts to bring that vision to full fruition in the light of "the evolution of our concepts of human dignity."

Once again, I am troubled by the implicit assumptions here. On the matter of capital punishment, for example, Justice Brennan acknowledged that his own views were shared by neither a majority of the Court nor a majority of his countrymen. Nonetheless, he asserted that "on this issue, the death penalty, I hope to embody a community striving for human dignity for all, although perhaps not yet arrived." Thus Justice Brennan seemed to say that he found the authority for his votes on this issue not in the explicit language of the Constitution, not in community sentiment, but in his own perception of what is required by an enlightened understanding of human dignity.

Justice Brennan may well be right in his assessment of what the law ought to require, but I find his position hard to reconcile with John Marshall's in *Marbury v. Madison*, in which he asserted the Supreme Court's right to invalidate an act of Congress. In that case, Marshall affirmed that the Constitution was "superior, paramount law," and that "it is emphatically the province and duty of the judicial department to say what the law is." Thus, when the Court concludes that the Constitution and an act of Congress are in conflict, the latter must yield. This seems a rather straightforward proposition: the Constitution is law, and as with any other law, it has a meaning that judges are trained to ascertain and apply.

I fully recognize that a body of respected thought supports the premise behind Justice Brennan's remarks, namely, that its nuts and bolts provisions aside, the Constitution is essentially a depository of principles that each generation of jurists is at liberty to adapt to the exigencies of the time. Whatever the merits of that school of thought, I believe that my own reliance on original meaning in constitutional interpretation is not only sounder in principle, but better designed to narrow the occasions for the ultimate judicial sin: the abuse of power. In our democracy, this sin can be profoundly damaging. Congressional errors are readily remedied, but an error by the Supreme Court in interpreting the Constitution is enormously difficult to correct. In the case of the *Dred Scott* decision, it took a civil war.

Given the Anglo-American common law tradition, in which precedent builds on precedent, an unconscious evolutionary development of the law is inevitable even when predicated on the written text of a constitution or statute. It ought to be clear, however, that in a governmental system based on the rule of law, federal judges have no license to insert their own views of what is right or just into constitutional or statutory law. To put it bluntly, no federal judge, however wise, has the moral or political competence to write the laws for a self-governing people; and no American, Catholic or not, should wish it otherwise.

But while it is improper for any judge to use his position to smuggle religious doctrines into the law, the law may well benefit from a religious judge's approach to his work. To the degree that there is such a thing as a Catholic ethos, and I believe there is, it nurtures a respect for and acceptance of lawful authority and tradition, and it cultivates a sense of work as vocation. Moreover, as Catholics continue to believe in a Purgatory and Hell, they understand that a betrayal of trust will be punished in the next world if not in this.

Which brings us to the issue of the role of the Catholic community in American political life. It is widely observed that we live in an increasingly secular and even anti-Christian age. While some may celebrate the fact and others decry it, surely no one would disagree with the general thrust of this description of our time. Many of the moral beliefs that have traditionally informed our public life are being questioned as never before. These beliefs derive ultimately, though perhaps not exclusively, from Christian political thought, but their assimilation by the law has made them part of the intellectual and moral patrimony of all Americans regardless of creed.

Taken together, these beliefs constitute what has been called "the American Proposition." And it is that proposition, rather than a particular teaching of a particular congregation, that is now under assault. We seem, in short, to be at some risk of losing our identity as a people whose public life is rooted in "the laws of Nature and Nature's God." If that is the case—and a good argument can be made that it is—Catholics are not alone in their concern for the future of American public life.

This suggests that today the Catholic community may be facing new challenges, new responsibilities. Not very long ago, the principal problem facing American Catholics was thought to be one of assimilation. Was the American political tradition broad

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enough and deep enough to accept, in the spirit of true religious toleration, the views of Catholics? In the late 1950s John Courtney Murray wrote a brilliant book devoted to the exploration of that and related questions. In the course of his characteristically rigorous yet subtle argument, he sought to instruct thoughtful Americans about the terms for a principled accommodation. Significantly, he took as the title for his work a phrase from the Preamble to the Declaration of Independence: *We Hold These Truths.* It was in that document that Murray found the common ground, arguing that the teachings of the Declaration, rightly understood, were consonant with the tradition of natural law associated with the Church.

Murray, however, was no Pollyanna. He was wary of a strand of modern thought that celebrated rather too much a certain form of individualism that was fundamentally incompatible with the requirements of political community. He sought to qualify such individualism with an older wisdom, a wisdom that emphasized the social nature of man and the political principles that derive from natural law. Murray found those principles radiating from the words of the Declaration's Preamble, and it was to a proper understanding of those words that he, in effect, devoted his argument. In doing so, however, he was all too aware that widespread dissent from these principles might one day occur and shatter the moral consensus that defines the American people as a People. In that event, he said, we would be confronted with one of history's great ironies, namely, the possibility that the "guardianship of the original American consensus . . . would have passed to the Catholic community. . . . It would be for others, not Catholics, to ask themselves whether they still shared the consensus which first fashioned the American people into a body politic and determined the structure of its fundamental law."

Murray's fears about the shattering of the consensus appear, alas, to have been well grounded. He may be proved right in another respect as well: that it may fall to Catholics, often the victims of American intolerance, to draw on their own faith to defend the American political tradition from those who would strip it of its moral content. Such a role, as Murray said, would be paradoxical indeed, for Catholics, after all, have long suffered the burden of being something of a suspect class.

The origins of that suspicion derive in part from misunderstanding and in part from a simple, old-fashioned nativism, which imagines Catholics conspiring long into the night to convert the United States into some sort of a Papal duchy. One almost has to be a Catholic to appreciate fully the ridiculousness of such fears, and from the vantage point of the late twentieth century, at least, it is sometimes difficult to understand the passions that animate them. Nevertheless, it is a fact that a certain ugly strain of nativist sensibility has in various forms and with varying degrees of virulence made its presence known in American life—witness state prohibitions against Catholic officeholders, the rise of the "Know-Nothings," the efforts to prohibit Catholic schools, and the venomous anti-Catholicism of the Ku Klux Klan, to name only four examples.

While old prejudices die hard and while there may be some backwaters of the body politic where such opinions are still entertained, it does seem to me that outright vulgar nativism is less widespread than it once was. Thanks in part to the election of John F. Kennedy, we have come a long way since 1928, when Al Smith's Catholicism was openly and viciously caricatured as a threat to the American way of life. I do not study public opinion polls, but I have the sense that the general public, at least, has come to see that Catholics do not have horns and is prepared to extend all appropriate legal courtesies to their "Roman" brethren.

Nevertheless, it is the case that what is true of the general public may not be true of certain members of what Mencken called the "thinking" class. Many, in fact, would agree with Peter Viereck that today anti-Catholicism is the anti-Semitism of the intellectuals. I am neither a philosopher nor a historian, but there does seem to be a species of intellectual who simply cannot abide the thought that Catholics can or should take their religion seriously—seriously enough, that is, to have it inform their behavior as free citizens of a republic. For intellectuals such as these, Catholics, like children of old, may be seen but not heard. When Catholics do venture to make their views known in the affairs of state, they are frequently accused of trying to "legislate" morality, or to "impose their morality on others," or, more recently, to violate some unarticulated "truce of tolerance" under which Catholics are permitted the same privileges as other citizens.

The truth of the matter, of course, is that we have always legislated morality, and those who would claim otherwise are ignorant of both history and the law. Whatever else might be said, it seems clear that it would have struck previous generations of Americans as only slightly less than absurd to say that morality cannot or should not be legislated. Americans have always debated—and will, I hope, continue to debate—the propriety or prudence of incorporating certain moral propositions into the law. But to say that morality and law do not or should not mix flies in the face of everything we know about American history, or for that matter, about the history of every system of law since at least the Code of Hammurabi. Nor have we, in this "enlightened" age, ceased to legislate morality. How, for example, are we to describe the civil rights laws of the past generation except as the codification of a moral imperative? And what about our various social welfare laws? Are they not expressions of a corporate responsibility for the old, the sick, and the

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poor among us?

Much, if not most, criticism of Catholic activism arises in the context of such sharply divisive issues as abortion and homosexual rights, about which the doctrinal teaching of the Church is decidedly unfashionable. While Catholics are not the only citizens whose views on these issues are out of fashion, they nevertheless come in for more than their fair share of obloquy when they seek to effect changes in government policy. It was not very long ago, however, when the laws of virtually every state took a rather uncompromising stand against both abortion and homosexuality. Those laws were enacted by legislatures and enforced by courts peopled by men and women who would have headed for the hills at the very thought that they were carrying out the bidding of the Roman Pontiff.

The political wisdom of such laws has been, and will continue to be, debated by people of every imaginable religious disposition, including nonbelievers. Some critics of the Catholic Church nevertheless find it convenient to imply that the only thing controversial is the participation in these debates of Catholics speaking as Catholics. They assert that we may legitimately enter public debate on questions of morality only to the extent that we park our religious doctrines at the door. It was this assertion, indeed, that prompted Richard John Neuhaus to remark that, for some people, the only good Catholic seems to be a bad Catholic.

The real issue in policy debates about public morality is not whether a particular stance happens to coincide with the teachings of a particular congregation. The real issue is whether that stance is consonant with the moral disposition of the American people broadly understood, that is to say, without reference to any religious affiliation. One does not have to be "churched" in order to hold fairly strong views on questions of public morality.

Here it is necessary to observe that much of the intellectual hostility directed toward Catholicism seems at times to be only incidentally about Catholicism as such. It is true that Catholicism, or teachings rightly or wrongly ascribed to Catholicism, are frequently targeted with special venom. That criticism, however, may be only part of a larger assault against a broader political and moral heritage, a heritage for which the Church just happens to be a particularly strong and articulate exponent in the modern world. In short, not only Catholicism and the opinions generally associated with Catholic belief have become the objects of ridicule or caricature; the contumely is directed at *any* set of opinions, or *any* source of authority, *whether specifically religious or not*, that relies upon or points toward "the laws of Nature" as a fixed standard for the guidance of human behavior.

If this is really the case, what is at stake is not just the position of Catholics *qua* Catholics but the philosophical foundations of American democracy itself. Those foundations are now under attack; and American Catholics owe it to their country to enlist in the defense of traditional American values.

The phrase "American Catholic" is not an oxymoron. To the contrary, as one surveys the American landscape today, one can find no community that believes more deeply in the truths of the American Proposition—truths that are as fresh and relevant today as they ever were. Those truths are under assault by a new breed of zealots who would redefine the American character. If Catholics will join with others who understand the nature of their patrimony, if they will speak out in support of the moral principles inherent in the American Proposition, they may well play the pivotal role in preserving this Nation as "the last, best hope of earth." FT

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Animal Rights, Human Rights

Thomas S. Derr

The power of the movement for animal rights—a movement that until recently was located for most people on the edge of the ridiculous—can no longer be denied. Abetted by both the "rights revolution" and the increasingly powerful environmental cause, the old collection of vegetarians and anti-vivisectionists has acquired new vigor. With this new vigor has come a sizable jump in the temperature of the debate. Always sharp-tongued, defenders of animals have more and more turned from speech to harassing and punitive actions—picketing and boycotting offending businesses, placing lurid ads, raiding and burning laboratories where animal research is conducted, splashing red paint or blood on the houses and cars of the researchers. Moreover, these actions are justified in the language of civil disobedience, another sign of the marriage of an old movement or movements with the newest means of rebelliousness.

In keeping with the manners of this rebelliousness, public insult has become the order of the day. At best the language of argument is patronizing and contemptuous, at worst downright nasty. Opponents of the movement have been called "vestigial, all who are left over from the cave, who . . . threaten to contaminate the future of mankind . . . with the stink and rot of pain and terror glorified" (Roger Caras). The suggestions that there be reforms to insure animals better treatment rather than foreswearing their use altogether "is rather like arguing that the concentration camp at Belsen was more humane than the one at Dachau" (Richard Ryder). Using animals in research is characterized as "experimental torture," and the scientists' satisfaction at discovering knowledge through animal experimentation is "pathological" (Stephen R. L. Clark).

To be sure, invective is not all one way: scorn and ridicule are prominent among the weapons used against the animal rights advocates. Meanness of tone, well beyond the levels of normal academic waspishness, has invaded even scholarly works.

Even the presuppositions of the argument are called into question, for many of those who claim to speak for animals challenge the very primacy of human concerns. To speak of ethics in any proper sense, they claim, we must transcend the interests of our species and try to see the world from some kind of cosmic perspective. This last, of course, is the contribution of the environmental movement to the debate. But it is the kind of nonscientific, mystical "deep ecology" that speaks of the overriding value of "the Cosmic Life, the Ocean to which all streams somehow make their contribution" (Charles Hartshorne). Humanity is finally a dispensable species: ultimate value is assigned to the whole process of nature rather than any special part of it. We have been, it is said, wrongly anthropocentric. At the very least we must see ourselves as a part of the whole no better than the other parts—certainly no better than the animals, who have moral equivalence with us.

Although many advocates of animal rights do argue that this revolution in ethical consciousness is for the benefit of the human race as well as the animals, there is nevertheless a persistent strain of anti-humanism in their movement, particularly, as we have seen, when it is joined to deep ecology. We human beings are not necessary to nature, which would be better off without us, evil creatures that we are. Nor is the defense of civilization an acceptable excuse for placing human concerns ahead of the rest of nature. "What I detest is humanism," says Clark bluntly. Human personality and civilization "seem frankly psychopathic."

Thus to argue from a premise of human interest is to risk being accused of arbitrary foreclosure of one of the principal points at issue. Nevertheless, human concerns do seem a sensible starting point. We cannot know the cosmic intent nor whether there is value

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in a natural world without the human race. But we can begin with something we do know, which is that we are valuing creatures and that we value our own existence. The dread word "anthropocentrism" may be used openly and frankly, not from pride or arrogance, but precisely for the sake of modesty. What does being modest suggest to us about the place of animals?

II

The answer seems to depend a good deal on the extent to which animals are similar to or different from human beings. This issue has been a subject of speculation from as long ago as Aristotle down to Descartes, then to Darwin, and now our own day. Some thinkers, like Descartes, have found the difference between animals and humans to be great, almost absolute; others, like Montaigne, have found it to be more relative and even slight. Darwin is finely balanced:

> There can be no doubt that the difference between the mind of the lowest man and that of the highest animal is immense. . . . Nevertheless the difference in mind between man and the highest animals, great as it is, certainly is one of degree and not of kind.

As evidence of the difference he cites tool making, solving mathematical problems, metaphysical reasoning, and "disinterested love for all creatures." As evidence of similarity he suggests common possession of senses, emotions, and intuitions like love, memory, attention, curiosity, imitation, and even reason.

The stakes in the argument are evident. If animals are quite like us in important respects, then it is easier to claim that they have moral equivalence with us and thus rights against us. If they are significantly different, then the bar to their being used by humans is lowered. Peter Singer, a leading spokesman for animal rights, bears the dubious honor of having made popular the term "speciesism" as an epithet to describe those—most of us, he says—who believe the differences are in kind, not just degree. The evocation of and comparison to "racism" is explicit. Speciesism is

> a bare-faced—and morally indefensible—preference for members of our own species . . . exactly the kind of arbitrary difference that the most crude and overt kind of racist uses in attempting to justify racial discrimination.

Those who seek to differentiate animals from humans have often focused on language as the distinguishing characteristic. Our use of language gives us an adaptive versatility well above even the smartest animal. Even Charles Hartshorne, whose interests lie largely with the animal advocates, believes that language is the result of our "symbolic capacity" and acknowledges that that capacity "is our human advantage and superiority. It is a difference in degree so vast that for many purposes one can safely forget that it is one of degree."

Defenders of animals have naturally sought to minimize the impact of this commonsense assertion. Language is not such a crucial differentiator, they say; animals have their own sophisticated ways of communicating. Having language is not as great an accomplishment as we think; and even if it were, that would not be an excuse to treat animals as if they were beneath us.

Along with language, and of course closely associated with it, is the ability to reason, which is also commonly advanced as a uniquely human ability. We have the ability to think out intelligent adaptive responses to unforeseen situations, whereas animals can manage only learned or instinctive responses; surely the dramatically larger size of the neocortex in humans must mark a difference of major significance. Our knowledge of the "mind" or "consciousness" of animals remains scanty, warns Andrew Rowan, and one must not argue too forcefully from ignorance; but the distinctions noted by Darwin evidently belong to a realm of human capability that animals cannot even approach.

Defenders of animals, unable to deny the obvious, fall back, as they do in the case of language, on saying that the animals' lack of reasoning ability does not really harm their case. It may be true that we cannot show the presence of animal rationality, but such a lack should not deny to animals their rights and our obligation to respect them. After all, many mentally incapacitated human beings cannot reason and are not denied their rights. Reason, therefore, cannot be made the criterion for distinguishing animal rights from human rights.

The argument from marginal humans is an important one. Perhaps we may reply that mentally incapacitated people do in fact lose certain rights, although this loss ought to be strictly limited to the exercise of those faculties that have been destroyed by the disease. But they are protected from further loss, from being turned into mere things, available for such use (e.g., medical experimentation) as we may choose, because they are members of a rational species, even though they themselves have "lost their wits." They are afforded generalized protection because they possess, however vestigially, those characteristics that make them human. Protecting them is important to protecting all of us from abuse, should we fall into perilous circumstances, medical, political, or even criminal. Quite aside from the religious reasons that some would advance for it, maintaining the human rights even of the insane is a way of defending our species against self-destruction.

In any event it is clear enough that reason and language do make a major difference in distinguishing

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animals from human beings. The quarrel is over the significance of that distinction.

The most serious and extensive argument for similarity between animals and humans is that concerning sentience, that is, the ability to feel, especially to feel pain. Singer and others often quote Bentham to the effect that the key question is, "Can they suffer?" If this is accounted the common bond among species, then the implication is clear that pain inflicted on animals must be subject to the same ethical constraints as pain inflicted on humans; for, it is generally assumed, pain is intrinsically evil.

Those who consider animal pain the equivalent of human pain tend to define it as largely a neurological event, an aversive response to bodily assault. The higher animals are also capable of remembering and anticipating such pain in certain contexts, so that aversion to it can be used in behavior conditioning. Pain in this sense does seem common to humans and animals—which is of course the reason animals are used in pain research.

Whether, as Tom Regan and others claim, "it must then be true that the painful experience of an animal is, considered intrinsically, just as much of an evil as a comparable experience of a human being," is not quite so obvious. We have no way of comparing the context of such pain, of knowing whether the human capacity to set pain in the midst of plans and hopes, for example, makes it a qualitatively different experience from that of animals. Nor can we say with assurance that the neurological event called "pain" is equally evil in all beings who experience it. In any case, Regan's simple assertion begs the question we have to answer, which is whether animals and humans have the same moral worth. Without answering that question, we would have to assume it was as evil to hurt a mosquito as to hurt a man—unless we were to rank creatures by the complexity of their central nervous systems.

It would seem that the criterion of sentience, the ability to feel pain, had been chosen *after* the decision to award animals equal moral worth with human beings, in order, that is, to confirm a position already taken. We may infer as much from the way in which Regan and Joel Feinberg qualify their use of the sentience factor. Feinberg believes that the application of this criterion prohibits "behavior that inflicts *unnecessary* pain or torment on a creature capable of suffering—that is, pain for which there is no good or sufficient reason." Regan thinks that, in accordance with the sentience criterion, "causing pain is always *prima facie* wrong," i.e., wrong unless there is some overriding human good. Thus for both men the sentience principle in the end does not establish full moral equality between humans and animals, for both of them would permit animal pain for clear human benefit. Indeed, precisely because sentience turns out to be so inadequate a safeguard for animal rights, Regan later abandons it for the claim that animals possess an "inherent value" that does *not* depend solely on the ability to feel pain. Moreover, it is significant that environmentalists who wish to extend the rights community to include plants and even whole ecosystems must oppose the use of sentience as the cut-off point. They would use other criteria—criteria chosen, as sentience was for the animal defenders, to fit a goal already determined on other grounds. (By this reasoning, one would be equally justified in selecting some arbitrary criterion by which to *differentiate* humans from other creatures, for example, as R. G. Frey suggests, the capacity to experience beauty, or the possession of free will and moral agency.)

The reasoning here relies on linking rights to qualities or properties, thus putting human and animal rights on the same footing. Most animal defenders take this approach. Singer, for example, argues that because many adult mammals "are more aware of what is happening to them, more self-directing, and, so far as we can tell, at least as sensitive to pain as a human infant," and because in general "there is no characteristic that human infants possess to a higher degree than adult nonhuman animals," we must therefore accord animals the same rights as newborns or other "defective" humans. As already noted, to distinguish them with respect to rights is for Singer pure "speciesism," an arbitrary form of discrimination "no more defensible than racism."

Here is a fine example of that anthropomorphism, sometimes called the "pathetic fallacy," that marks almost all the literature of animal rights. Animals are simply treated as if they were human. As a bumper sticker of the Humane Society puts it, "Animals are small people in furry coats."

III

One of the most obvious commonsense challenges to animal rights advocates is to ask whether they mean seriously to equate the moral standing of humans and, say, insects or plants. And if they do not, where, they might be asked, is their personal cut-off line, and why is it chosen? Perhaps surprisingly in view of their initial claim to be placing animals, or all sentient life, in the same moral community with humanity, many of these advocates themselves retreat to some kind of hierarchical view: distinguishing among different life forms, awarding privileges and protection to some that they would deny to others.

There is in fact no consensus on the matter of which criteria to apply, though a popular choice is the degree of neurological development. Hartshorne would place humans and animals above trees, because the former have a nervous system. Cutting a tree, then, is "not analogous to killing a deer or even a fish." But he would award stronger rights to horses and apes than to human embryos, precisely because the latter have nervous systems functioning at a much lower level.

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Regan accepts a hierarchy that permits him to kill lower forms of life but not mammals, the cut-off point for him obviously having to do with neurological development: "There is no rational basis for believing that anything we do to cancer cells matters to these cells themselves, or that it makes a difference to their quality of life as experienced by them, or, in short, that they can be benefitted or harmed by what we do to them."

These two examples involve comparisons at the extremes, from, as it were, opposite ends of the continuum of life, and may be faulted for avoiding the hard choices in the middle. Singer accepts this challenge and draws a precise line: if a being can't suffer or enjoy, then "there is nothing to take into account," and we may, for example, eat it. There is an "evolutionary scale," and, as we descend it, these capacities diminish. He would include fish and reptiles within the protected sphere, because they can suffer. He would also protect crustaceans, but mollusks seem so primitive that it is "difficult to imagine them feeling pain, or having other mental states." And that is where he would draw the line: between shrimp and clams.

Even above this line he draws some distinctions, making use of qualities like self-awareness and the capacity to plan for the future to set humans apart from, for example, mice. Even mentally defective humans who may lack these qualities are in Singer's system more valuable than the higher animals; there seem to be occasions in which his egalitarianism is more intentional than actual.

Other writers make similar distinctions with more or less precision, all accepting some hierarchical solution to the moral challenge. John Harris would give fish and insects "the benefit of the doubt"—quit fishing and leave insects alone "wherever possible." Feinberg's criterion, making him one of the most moderate of animal defenders, is "level of rational awareness," which means that "the animal 'right to life,' if there is such a thing, is generally held to be a much weaker claim than its human counterpart."

John Cobb's hierarchy is based on evolutionary development, with "consciousness" as the highest state, ascribed to all the animal kingdom. There is value, Cobb thinks, in the unconscious experience of simple animals, plants, even electrons (the process philosophers can descend the great chain of being further than anyone else), but he ranks all experience by its quantity and complexity in such a way that human happiness and misery are more important than that of other creatures.

Clark, annoyed at the "hierarchically inclined," is hardly less so himself: "Is it really supposed that micro-organisms have as developed a point of view as such complex creatures as squids [who incidentally are mollusks] and cows and cats?" Further, "I hold no special brief for cockroaches, and am prepared to believe that their sentience is of another order than mine, or than a monkey's." He wants to be anti-hierarchical chiefly because he does not wish to see human reason used to set humanity apart, but in fact the presence of his scale of values is evident.

Although this hierarchical thinking is typical of animal defenders, there are also radicals among them who are quite contemptuous of what they see as a fatal compromise with the anthropocentrists. One of their heroes is Albert Schweitzer, who would protect or at least have "reverence" for all life of any kind, even insects and plants. He would pluck no leaf from a tree, nor allow bugs to fly into his lamp and be killed. He would pick up worms stranded on the pavement and place them on the grass. As a medical doctor he tolerated animal experimentation, but only if absolutely necessary, and even then at the price of guilt that had to be atoned by treating other animals and insects with great reverence.

But giving plants equal rights with animals, because clear moral lines cannot be drawn between categories of living things, might easily reduce the claims for animal rights to absurdity. We would have a "plant liberation movement," a fit object for disdainful laughter. Even so, some prominent contemporary animal defenders have been driven by their own logic to consider seriously the moral status of plants. Clark, for instance, actually takes the bait and collapses the distinction between plants and animals to protect them all: "Some plants may be individuals, as trees most probably are; some plants may have points of view. Some plants may feel. . . . I would certainly admit that some plants are ethical 'individuals' and that their wanton destruction is murder . . . arboricide." The problem of how, then, to provide animals and humans with food he solves by saying that it is good for the plants to be cropped or to have their fruit picked, as this is their "surplus," and the plant species is still preserved.

Regan thinks that plants can indeed have rights, even if they aren't aware of their own interests. Even things that can't know their own good can have rights, so it isn't necessary to postulate "contented broccoli" in order to make this claim. Feinberg, on the other hand, will not award rights to plants and "mere things" because, unlike animals, they cannot experience suffering and frustration. Singer, using the sentiency criterion, also draws the moral line between plants and animals, and so has no trouble using plants as he wishes: "There is no reliable evidence that plants are capable of feeling pleasure or pain." Raising the issue of plants' rights, he suggests, is merely an obfuscatory device by people whose main purpose is to undermine vegetarianism.

This route through "plant liberation" might seem a foolish detour in the general argument, but it was made necessary by the initial methodological decision of the animal rights defenders to base rights on qualities or properties inherent in living creatures. This in turn necessitated a discussion of all life forms,

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even plants, in order to avoid the appearance of arbitrariness in awarding rights to some and not others. If all life forms are more or less on the same moral level, it would even be thinkable to sacrifice some humans for the sake of some plants and animals, as indeed the brutal ecologists of the "lifeboat" school are quite prepared to do.

If, on the other hand, we take a more anthropocentric view and limit claims to rights to human beings, we might find the position of a Peter Geach to be preferable:

> It is virtuous that a man should in measure sympathize with the sufferings of the lower animals: only in measure, for someone who tried to sympathize with a shark or octopus or herring would be erring by excess . . .; their life is too alien to ours for sympathy to be anything but folly or affectation.

Here rights are replaced by sympathy. Comparative valuations are made in accordance with the principle of relative similarity to the valuing agent, but the comparison is a matter of personal taste.

IV

Besides basing animal rights in properties or qualities shared with humans, another common attempt is to ground rights for both in interests: animals have wants and aims as we do. Some animal defenders apply the hierarchical principle and say that lower forms of life—insects, plants—don't have interests and so don't have rights. Others define interests not by a conscious awareness of need but simply as having a good of one's own. This would seem to include all organic life, with its striving, growing, developing. Even further, some argue that certain inanimate objects, e.g., works of art, have interests, too, because they certainly have a good of their own that can be taken away or harmed; and they therefore also have a right to be protected.

Here is a prime example of a confusion between legal and moral rights. Moral rights are claims even against the law, claims that the law must honor. We may award animals legal rights for our own human purposes without conceding to them moral rights against our laws. Moreover, having an interest does not produce a moral right. We have an interest in not having our feelings hurt, but no consequent right to be spared criticism. And merely having a good can hardly produce a right to it in the lowest forms of life or in inanimate objects, as most of us recognize intuitively. Would a tractor have a right not to be exposed to rain? asks Frey. A tractor's interest in remaining intact, like that of a work of art, is for the benefit of the humans who value it. They are the valuing agents, and the rights in question, if any, belong to them.

Among human beings, rights imply reciprocal obligations or responsibilities. This is not true for animals, who can't make promises or contracts and don't show any inter-species obligations. If they did, there would be no predatory relations. Animals aren't able to be "guilty" in any sense. Dogs can only be called "bad" (with the appropriate tone of voice) because they are trained to expect reproach for behaving in certain ways. Their training is based on conditioning. Animals are not moral agents and cannot, for example, be held criminally responsible for their acts, which is why we laugh at those occasional medieval attempts to try animals in court. Some animal advocates counter that this lack of responsibility doesn't disqualify animals as holders of rights, even if they can't return the favor. Human babies, for example, have rights but no responsibilities. To which, as we have seen, it can be answered that babies have rights because they have human potential, that they are only "defective" (or incomplete) members of the species to which rights belong.

Sometimes animal rights advocates, dissatisfied with their own arguments, retreat to the simple assertion that animals possess "inherent" rights simply because they exist, because they are living creatures and all living creatures have rights. Occasionally this point is tossed off without explanation, but at other times, as in the case with Regan, it is carefully argued that inherent value means that animals or trees or people are subjects of a life that is of value to them whether or not it is good or useful to anyone else. But this is scarcely different from the interests argument, which becomes all the more apparent when Regan argues that a "good car" can be good whether or not we value it. Most of us would argue the contrary, that what makes a car good is precisely those properties that appeal to its human driver. Regan argues similarly that plants have value in themselves, because they can die—hardly a condition that would seriously qualify as conferring rights.

If there were such things as animal rights, what might they be? The most common claims are that animals have the right to be spared unnecessary suffering and that they have a right to freedom. But qualifiers to these claims abound, even among those who advocate them. Cobb, for example, argues that although animals have the right to have the value of their existence and happiness weighed seriously, they still may be eaten or used in experiments as long as their pain is minimized. Different animal defenders suggest different degrees of stringency, and few agree exactly on what they would permit or disallow. And this collective inability to reach some kind of consensus on what animal rights might be by itself suggests the weakness of the basic claim.

The point remains that it is an improper use of terms to speak of rights outside of human relations. We do not know anything about animal rights; the

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term is meaningless to us. Value terms like rights cannot be weighed between species that cannot communicate. That is why we are left scratching our heads at comments like that of James Rachels, that when a big bird drives a small one out of the nest, or when a cat eats a mouse, we recognize that as injustice, even though the animals in question couldn't possibly understand what justice was.

Why does this statement puzzle us so? Because it is anthropomorphizing, applying to animals a human concept, justice, that is entirely inappropriate and meaningless in the animal world. It belongs to intra-human speech only.

Are we, then, permitted to do as we please to animals? Are there no limits, if they do not have rights as rights are, and must be, humanly understood? There no doubt are limits, but they derive only from a realistic anthropocentrism, and inhere in decisions about what is useful and valuable to humanity. One such limit arises from human mercy, charity, sympathy. We treat animals kindly as a reflection of our own natures, as a result of our not giving in to cruel or angry impulses. Our treatment of animals reflects the kind of people we are, and, if we think about it, the kind of people we would like to be. There may well be, as various people (including Kant) have argued, a link between the way we treat animals and the way we treat human beings; and kind treatment of animals thus has an indirect "spillover" effect in promoting a kinder, gentler society.

Of course, the advocates of animal rights will have none of this. For them the issue is justice, not mercy. Animals have a claim against us that we are *obliged* to respect whether we want to or not. If we relied on sympathy to govern our treatment of human beings whom we dislike, their situation would be parlous. Similarly, sympathy won't protect animals; only rights will.

Besides sympathy, there is also a widely shared religious restraint: in the Western religious tradition, the human race is given charge over the rest of creation to manage it responsibly for its maker and true owner. This is the principle of stewardship, and it clearly implies limits to what we may do with the rest of the world. We are taught, for example, not to engage in wanton destruction, or consumption for our own use without regard to future generations.

Now it may be that any idea of limits in our treatment of animals, however these limits are grounded, implies that animals do have a kind of "right," in a soft sense of the term. If we owe them something as God's creatures, then perhaps they have "rights" against us and do not have to exercise obligations or duties toward us in return. Even human laws passed for the benefit of animals, or money left for their care, confer a sort of right upon them, the legal right to receive these benefits.

But contracts and laws benefitting animals are just as easily understood not to be conferring rights on them as legal or moral persons but to be expressing the will of *humans*, enforceable as rights belonging to those humans to make such bequests or to pass such laws. Also, a legal right so conferred on animals, even if it is called a "right," is not the same as a natural or moral right to which the animal is entitled by its very nature. As for the divinely imposed obligation, it is precisely (no more and no less) the duty of stewardship.

V

The foregoing is not intended merely as a theoretical argument, but rather as something that has application to certain very concrete problems.

First of all, animal advocates are currently campaigning hard for closing zoos, mainly on the grounds that animals are by right entitled to be free, not caged. Reasoning anthropocentrically, however, we would keep the zoos open. They contribute to human welfare, for both education and enjoyment, and do no frivolous harm to animals. Indeed zoos serve a kind of conservationist purpose, embodying the principle of stewardship in protecting animals from harm, even from extinction. Wildlife management is good for the same reason: it is good stewardship, a fit expression of our human responsibility for the rest of creation.

It is also legitimate to accept without moralizing inter-species predatory relationships. There is no need either to agonize over the question of animals' violating each other's rights or excuse predation on grounds of necessity, with the plea that animals kill only for food. (Our dog chases squirrels because they excite her, not because she is hungry.) In the same way, moral wrestling over whether the natural is the moral—e.g., whether the "state of nature" is the model of goodness—ought to be dispensed with. Morality is a human enterprise, irrelevant to the interactions of non-human nature.

It is also legitimate to kill animals that disserve our interests, e.g., insect pests, or that endanger us in some way, particularly our young.

Second, if animals did have rights, then both work animals and pets would simply be slaves. But since they don't have such rights, a permissible anthropocentrism allows us to breed and keep animals for work or pleasure, as long as they are kindly treated. In other words, the controlling limit is sympathy.

Third, there is the vegetarian argument against eating animal flesh. The human species is equipped by nature to be a meat eater, runs this argument, but that is no longer necessary. We don't *have* to eat meat, and may even be healthier if we don't. Giving up meat is also ecologically useful, say the vegetarians, because if the goal is to produce the maximum amount of food, meat raising is wasteful because animals themselves consume so much feed. Furthermore, and obviously, if animals have rights like people, they can't be eaten by people; that would be the moral equivalent

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of cannibalism. Even using animal products, like milk or eggs, is done not for the benefit of the animals, and is thus an infringement of their rights. In addition, the sentience principle must lead us to oppose the suffering inflicted as part of factory farming. Even painless killing is wrong, because the real crime is the killing, no matter how it is done.

But, we may reply, if animals are not the moral equivalent of humans, then breeding them for food is acceptable. The principle of kind treatment should, however, impel us to make certain regulations governing the conditions of animals raised for slaughter. As for the ecological and nutritional arguments against meat eating, these are of a different order and have, or fail to have, standing independent of whether animals are ethically available for our use.

Fourth, and perhaps most important, there is the issue of using animals for scientific, particularly medical, research. A mix of motives drives the opposition here: identification with the helplessness of victims (which is why animal defenders choose furry animals to dramatize their campaigns); suspicion of modern medicine and high technology generally, and a link to alternative therapies like homeopathic medicine; even the acceptance of illness and early death and refusal to combat it. Many activists thus oppose absolutely the use of animals for research. Faced with the obvious challenge that humanity is harmed thereby, they search for alternatives—like the use of tissue cultures, or computer models—and ultimately proclaim that it is better we should do without knowledge gained so wrongfully, even better that we should die than fall into such sin. In using laboratory animals, we are no better than Nazis experimenting on people.

The result of pressure from animal rights groups is that we have laws regulating the treatment of laboratory animals, and have laws mandating committees to oversee their use, with nonscientists on them. But these are only half-measures from the critics' point of view. Their goal is to stop all experimental use of animals. The dilemma here is that it is precisely the degree of similarity of animals to humans that makes them good research subjects for human scientific purposes. Hence the researcher's paradox: the more animals are like us, the more they are useful in research, and the less available they are ethically for that research.

A practical, sober anthropocentrism, of course, not only permits but *requires* our use of laboratory animals. The benefits to humanity are enormous: most vaccines and antibiotics, our understanding of drug addiction, Alzheimer's research, cancer research, surgical techniques, anesthesia techniques, insulin for diabetics, open-heart surgery, pacemakers, all neurological research, behavior therapy for mental patients and alcoholics and other drug abusers, the discovery of the split hemispheres of the brain and its implications for treating epilepsy, stroke, language disorders, and brain damage. All this was furthered by research with animals that would have been inappropriate if done on human subjects. The substitution of cell cultures or computers would be of very limited utility, not a true alternative. Research with animals has gone a long way toward saving humanity from illness and misery. Anti-science romanticism is a luxury of the comfortable—and the healthy.

Permissible restraint, based on the avoidance of unnecessary suffering, is particularly hard to apply here. The use of laboratory animals in teaching is a case in point. The work is not research and the results are already known. Still, where there is no other way to train the personnel on whom future human life and health will depend, teaching with animals is necessary.

What about using animals in product testing where the product is simply cosmetics? Here we might note that since much such testing is driven by fear of lawsuits, we might seek to minimize it by legal reform rather than prohibition at the laboratory level. We might also question the necessity of the product in the first place, though if cosmetics are to be marketed at all, surely there must be adequate testing to ensure that there is no danger to human health.

There is also the "problem" of researchers doing things that hurt animals just to get publishing credit, experiments deemed by their critics to be frivolous and entirely self-serving. True as this may occasionally be, it would be extremely difficult to limit research based on a guess about what abstract scientific knowledge will ultimately be useful to humanity.

Drawing the ethical line firmly between humans and non-human animals saves the research enterprise, negates the Nazi analogy, and protects human rights. The use of human subjects in research is properly restrained by an elaborate code in which valid or "informed" consent is the primary factor. Such consent is not only obviously impossible with animal subjects; but, because animal rights are not involved, it is also unnecessary.

Finally, there is the question of hunting and fishing. Animal rights advocates seem to be unimpressed by the fact that natural death in the wild is often far more cruel than that inflicted by gunshot or fisherman's knife, as they are by the argument that the population of wild creatures has to be "harvested" by sportsmen or be left to the cruelties of starvation. Some of the literature against hunting is also thinly disguised class contempt, or hatred of males. The same may be said of the use of animals for clothing that involves the trade in furs, feathers, ivory, and, though this is less often mentioned, leather. Substitutes may be found for all these animal products, it is said; so we do not have to violate animal rights—the final recourse in all argument—to clothe ourselves.

It is not much easier, however, to object to the use

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of animals for clothing than it is for food. The kindness limit might in fact impose some restraint on hunting and fishing, but there is no reason to suppose that sportsmen are insincere in thinking they do more good than harm to wild populations as a whole.

These examples are meant to suggest how reasonable might be the resolution of current issues in animal welfare if we take stewardship and kindness, or sympathy, as our guides and reject the crippling, anti-human tangles of the animal rights movement. Or, to be as modest as a forthright anthropocentrism dictates, let us simply say that the movement has not made a compelling case for animal rights and, on present course, is unlikely to do so.

On the Commitment of a Friend to a Mental Institution

You heard the voices wafting
Beyond the mechanical street.

Attending seraphs sighing
You caught their half-notes
In the narrows of the halls at night.

Unscrewing lightbulbs from the sockets,
Blinding the world to heed the light,
You announced in the kitchen

With old prophetic ardor
Against our din of talk and pans
That Jesus was come, or at least nigh.

We searched your drawer for medication,
Counted out uneaten anodynes
And knew you'd fallen from our heights.

We dialed the doctor,
The mental institution down the street
And the cops, in case.

When the knock came upon the door,
You stepped into the open night
Clutching my hand for your progress.

In a blanched, fluorescent lobby
The white-robed clerks look on and code
Forms behind the silent glass.

Huddling on my lap, shivering with fear,
Where only a rubber plant droops to hear,
You try to tell us all again
The singing of the voices.

Then move into the silence of eclipse.

Mary Freeman

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The Lutheran Difference

Mark A. Noll

To the extent that Lutherans are noticed at all by non-Lutherans in America, impressions can be wildly contradictory. From one perspective, they can look like mildly exotic ethnics—sort of like the Mennonites, only more numerous. Thus it is possible for interested outsiders to smile indulgently at in-group reminiscences, like James Nuechterlein's engaging "Memoirs of a Lutheran Boyhood" (FIRST THINGS, October 1990), where he reports that "It was one of the great curiosities of my childhood that so few people outside of my family and congregation understood the centrality of the fate of the Lutheran Church—Missouri Synod to world-historical development."

On the other hand, they may seem tragic—certainly they often have in literary representations, such as Ole Rölvaag's rich depiction of Beret Hansa's winters of discontent on the Dakota prairies in his novel, *Giants in the Earth*. Then again, certain literature might convey impressions of a different sort—as when Garrison Keillor describes the perplexity of Lake Wobegone's Lutheran Pastor, David Ingqvist, who, after a young people's trio had sung "I Believe" as an offertory, concludes that "the so-called one-drop, one-flower theology" was "not what Martin Luther left the Catholic Church over."

In these examples the settings of the stories add to a sense that Lutherans are on the fringe of American life—interesting, poignant, telling, funny, or tragic, but on the fringe nevertheless. Keillor's Lutherans inhabit a dying corner of rural America that his skillful *Sehnsucht* brings back to life but at the same time distances from contemporary experience. Rölvaag's is an immigrant's work, originally written in Norwegian at an ethnic college named in honor of a personage, St. Olaf, who is not a household name for most Americans. While immigration continues to be an important fact of life in the United States, someone born, as Rölvaag was, on Dönna Island, just south of the Arctic Circle, and who wrote about the vast, nearly uninhabited prairie, may not seem relevant to the immigrants of the late twentieth century who come to our crowded cities from the opposite corners of the globe.

Lutheran marginalization in America can also be reflected, perhaps, in the country's mass culture. It is a mark of distinction, but hardly a path to wide popularity, that Lutherans are hereditary patrons of Baroque music. And there are other characteristics distinctive to Lutherans that, however commendable, are esoteric the same way. It might seem, for example, that some secret elixir devised to develop special muscles for historical scholarship is regularly dispensed to young Lutherans, for how else can one account for the fact that Lutherans are the country's most distinguished church historians—Sydney Ahlstrom, Jaroslav Pelikan, and Martin Marty being at the top of the list and a host of only slightly lesser lights following close behind. Yet while there are regiments of outstanding Lutheran church historians, there is no truly great monograph about the Lutheran experience in America to compare, for example, with George Marsden's history of fundamentalism, John Courtney Murray's reflections on Roman Catholicism, Donald Mathews' interpretation of antebellum Southern evangelicalism, or the excellent books by Joseph Haroutunian, Norman Fiering, Harry Stout, and others on the American Puritans.

At first glance, then, Lutherans may look like an exotic growth on the American landscape. From the angle of the social scientists, however, a very different picture emerges: in demographic terms, Lutherans seem, in fact, remarkably unremarkable. Research conducted by the University of Michigan's Center for Political Studies, which has been providing survey data on America's main Protestant families for

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the last three decades, shows that Lutherans as a social group are pretty ordinary. Fewer Lutherans attend college than do Presbyterians or Episcopalians, about as many as do Catholics and Methodists, and more than do Baptists. Lutherans as a denominational family are older than Catholics, Baptists, and Episcopalians, and slightly younger than Methodists and Presbyterians. More Lutherans fall into higher income levels than do Baptists, Methodists, and Episcopalians, but slightly fewer than Catholics. The newsworthy potential of such information is, I dare say, not very great.

Politically, Lutherans are just as predictable. With other predominantly white Protestant denominations, Lutherans are overwhelmingly Republican, a tad more so than Methodists, a tad less so than Presbyterians. In 1988, over 63 percent of Lutherans who voted cast their ballots for George Bush as compared to about 60 percent of Methodists and 65 percent of Presbyterians. Lutheran identification with the Republican party is about the same as among Presbyterians and Episcopalians. These findings are especially welcome to Republican strategists, since Lutherans turn out to vote in very strong numbers, about 85 percent in 1988, a percentage somewhat higher than Catholics, Methodists, or Episcopalians, and almost as high as Presbyterians.

None of this information could possibly be startling to those who live among Lutherans, but at least two social-scientific conclusions do set the Lutherans apart—where they live and what effect church attendance has on their political choices. A fairly recent county-by-county survey of American religious allegiance provides overwhelming demonstration of the Lutherans' geographical concentration. This survey shows that Lutherans are the largest religious body in 259 counties throughout the United States. Of those counties, over 80 percent are located in seven midwestern states: Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, and Montana. Of the 109 counties where Lutherans make up at least 50 percent of the church members, 98 percent are in these same seven states, with 61 percent found in Minnesota and North Dakota alone. (Parenthetically, the demographic dilemma faced by Lutherans is highlighted by these numbers, since results of the 1990 census show that, of the seven states, only Wisconsin and Minnesota have gained significant population in the last ten years.)

The surveys show that, in general, white Protestants who attend church regularly are more likely to vote Republican than those who do not attend regularly. Lutherans are distinctive, however, in that church attendance makes more difference for them than the other Protestant families. In the elections from 1956 to 1988, Republican presidential candidates received from 12 to 23 more percentage points of support from Lutherans who regularly attend church than from those who do not. In the language of political scientists, these figures show the "ethnic" character of Lutherans, since church-going usually reveals the sharing of "associational" values as opposed to merely "communal" values.

This last bit of jargon carries us naturally from the social scientific to the historical, for what it draws attention to about Lutherans is that most of them are more recent immigrants than other mainline Protestants. Only to look at a basic bibliography of Lutheran writers—of Ahlstrom, Anderson, Bachman, Fevold, Gritsch, Hildebrandt, Jenson, Jordahl, Mattson, Nelson, Nodtvedt, Schneider, Tappert, Wolf—would make their origins in Germany and Scandinavia obvious. Once this fact is established, the key work for explaining the course of Lutheran life in the new world becomes the Census Department's *Historical Statistics of the United States.* Its pages are jammed with figures, but the immigration tables could not be clearer. German migration was extraordinarily strong from 1840 to the First World War, numbering more than 5,000,000. Scandinavia contributed almost as many immigrants as Germany during the thirty-five years before World War I, with almost 2,000,000 new arrivals from Denmark, Sweden, Norway, and Finland. After 1914, the numbers shrank dramatically.

Understanding how and when this massive immigration came to an end, we can find little to surprise us in twentieth-century Lutheran history. The first generation's proliferation of ethnically defined Lutheran denominations as well as a siphoning off of countless hereditary Lutherans into American sects or into nonobservance is completely predictable. Just as unremarkable is a gradual process of consolidation in the second generation as broader alliances of language and religious style replace the particularistic allegiances left over from Europe. A tenacious hanging-on to Old World languages and forms is standard form among some segments of the immigrant community. However the descendents of immigrants might judge this tenacity, it does sometimes bring unintended benefits to outsiders (as I for one am able to attest from the help a subscription to *Der Lutheraner* was to me some years ago as I struggled to learn the German language). Along with variable degrees of variable attachment to Old World forms and languages come variable degrees of attachment to Old World convictions. In the late 1960s, for example, as I read *Der Lutheraner,* I was never quite sure how literally the slogan on its masthead—which, as I remember, read "*Gottes Wort und Luthers Lehr' vergehen nie und nimmermehr*" (God's word and Luther's teaching will never ever pass away)—was intended.

By the third generation after the cessation of large-scale immigration, most immigrant communities experience even greater consolidation, but also greater controversy over the pace of assimilation. By this stage in the immigrant experience, there has been enough time to move out of rural or urban enclaves into the

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suburbs, to make a lot more money, to see increasing numbers of the rising generation marry outsiders, and to provide more and more young people with higher education beyond the immigrant community itself. For Lutherans, the third generation can be said to have arrived at different times in different communities, but for the most part, large-scale immigration had receded pretty far into the background by the 1970s and 1980s. It was only to be expected, therefore, that a transcending of ethnic traditions would have occurred, as indeed it has in the case of the ELCA (Evangelical Lutheran Church in America). It was also to be expected that there would be acrimonious debate over how much of the Old World inheritance to modify in the light of conditions in the New World, as has been most spectacularly the case in the Lutheran Church—Missouri Synod.

As for participation in national political life, however many Lutherans may have served as governor of Minnesota, mayor of Bismarck, or in the Wisconsin state legislature, nationally Lutherans have been seriously underrepresented. There are now in the United States more than four times as many Lutherans as Episcopalians, nearly three times as many as either Presbyterians or Jews, and almost as many as Methodists. Yet in the current Congress, there are half again as many Jews as Lutherans, twice as many Presbyterians, two-and-one-half times as many Episcopalians, and more than three times as many Methodists. The highest national office ever filled by a Lutheran is Chief Justice of the Supreme Court, and that happened only recently, with the appointment of William Rehnquist. Many United States Presidents have been Episcopalians; several have been Presbyterians and Congregationalists; one was a Disciple of Christ; and two have been Quakers; but none has ever been Lutheran, even though for several decades Lutherans have been more numerous than the Episcopalians, Presbyterians, Congregationalists, Disciples, and Quakers combined. No Lutheran has ever been even nominated for either President or Vice President by one of the country's major political parties. Lutheran underrepresentation in national politics might at first look like a simple function of ethnic timing: give Lutherans a few more years, would run the argument, and there might be the same sort of German- and Scandinavian-Lutheran presence in national politics as there has been for Irish Catholics. But factors other than the mere rhythm of the generations are involved here. One of these would seem to be the nature of Lutheran religious life in America, itself also unobtrusive.

The surprising thing for those who are acquainted with the penetrating vision of Luther, the scholarly aplomb of Melanchthon, the irenic efficiency of the Concord formulators, the surging brilliance of Bach, the passionate wisdom of Kierkegaard, or the heroic integrity of Bonhoeffer is how inconspicuous the Lutherans have been in America. Beyond their instructive experience as immigrants, it is hard to isolate identifiably Lutheran contributions to the larger history of Christianity in America.

To be sure, there are a few noteworthy conversion stories. Where I teach, Wheaton College in Illinois, which is evangelical in the American rather than the Lutheran sense, we do have a limited number of practicing Lutherans among faculty and students. But we probably have even more former Lutherans who testify that they had to leave the Lutheran church to be, in their words, "saved" or "born again," to find "a personal relationship with Jesus Christ," or to hear "the gospel." Most of these conversion stories are about individuals moving away from Lutheranism. Shifts in the other direction, to a new ecclesiastical allegiance to Lutheranism, do certainly take place, but few are well known.

If American Lutherans lack spectacular stories of conversion, they also seem pretty ho-hum in their religious convictions and observances. An extensive Gallup poll in the late 1970s found Lutherans as a group, when compared with other Christian families, showing nothing very distinctive on a whole range of beliefs and practices. For example, about the same proportion of Lutherans as other Christians found religion consoling, believed that Christ was the Son of God, felt that humanity had originated with Adam and Eve, knew at least five of the Ten Commandments, believed in the Bible as a religious authority, and thought the Ten Commandments were still valid. (Lutherans were like other Americans in that about twice as many of them considered the Ten Commandments still valid as could name even half of them.) Similarly, about the same proportion of Lutherans had spoken in tongues, were active members of a church, did volunteer work in the local congregation, and attended services. Where Lutherans as a communion were distinctive was that they turned out to be quite a bit less likely to have had a life-changing religious experience or to believe in the devil as a personal being. They were also quite a bit less likely than Baptists to visit the sick, give 10 percent or more of their income to religious causes, or to know that Jesus said "you must be born again" to Nicodemus. On the other hand, Lutherans were more likely than Methodists to read the Bible at least two or three times a week and to believe that the Bible did not make mistakes. They also spent more time in youth work than even the Baptists.

Survey researchers find Lutheran belief and practice on the whole to be neither esoteric nor marginalized. Wade Clark Roof and William McKinney in their study of *American Mainline Religion* (1987) had little difficulty classifying the Lutherans as "moderate Protestants" along with Methodists, Disciples of Christ, Northern Baptists, and the Reformed. On questions concerning civil liberties, racial justice,

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women's rights, and the new morality, Lutheran attitudes were all but indistinguishable from those of these other Protestant groups, who in general were a touch more conservative than Roman Catholics, a great deal more conservative than Episcopalians and Congregationalists, but quite a bit more liberal than Southern Baptists, fundamentalists, Pentecostals, and (except on race) black Protestants.

The unobtrusiveness of Lutherans in America is underscored by how easy it can be to place the various Lutheran bodies onto a conventional Protestant spectrum. In such a perception, the ELCA and its tributaries fit comfortably with the National Council of Churches mainline, the Missouri Synod looks like a branch of conservative evangelicalism or fundamentalism, the Wisconsin Synod appears as a regionally defined ethnic enclave, and the smaller groups like the Apostolic Lutheran Church of America, the Church of the Lutheran Brethren, and the Evangelical Lutheran Synod resemble earlier splinters from the Lutheran trunk like the Albright Brethren, the Swedish Covenant, and the Evangelical Free Church.

Odd experiences, to be sure, do raise questions about such facile categorizations. At Wheaton College during the *Lutherjahr* of 1983, for example, several members of the faculty thought it would be fitting to ask Lutherans to organize a worship service on campus to mark the event. So we approached the local ministerium of the Missouri Synod thinking it only logical to seek such assistance from the Lutheran denomination that seemed closest on doctrinal matters to Wheaton's own convictions. Much to our surprise, our overtures were rejected immediately, for we had with great naiveté suggested that such a service might include a celebration of the Lord's Supper. We had forgotten the Missouri Synod's solicitude for the purity of communion. When, however, we turned, this time with some suspicion, to representatives of the American Lutheran Church (ALC), our plan was welcomed warmly. The service that resulted, with a sharing of the wine and the bread, was hailed by both the ALC and the Wheaton participants as a bracing "evangelical" experience. In general, however, if one does not look too closely, the divisions in Lutheranism seem to correspond quite neatly to more general divisions in American Protestantism.

Here, then, is a superficial view from the outside: Lutherans may now and then have their eccentricities, but they are on the whole, and given their place on the immigrant curve, quite ordinarily American.

II

But this superficial view may be excessively so. A little more probing reveals that in fact the history of Lutherans in America is a dramatic story with several remarkable twists. Indeed, one might even conclude that recent history has provided a kind of Lutheran second coming to America.

The first coming involved the tradition that stretched from the colonial period through the Civil War, beginning with the efforts of Henry Melchior Muhlenberg (1711-1789), who had been sent from the pietist center of Halle to provide guidance for the German Lutheran immigrants in colonial Pennsylvania. As these settlers learned English and took on other American characteristics, their religion—quite naturally, it seemed—began to assume an American cast.

In the next generation, Americanization continued, especially under the direction of Samuel Simon Schmucker (1799-1873), a graduate of the Presbyterians' Princeton Seminary, who worked throughout his life for causes that he felt would benefit both Lutherans and other Protestants in the United States. It was Schmucker's conviction that New World Lutherans could profitably link characteristics of American Protestantism with those of the European tradition. He worked on behalf of the General Synod of Lutheran churches (formed in 1820), became a mainstay at Gettysburg Lutheran Seminary, and pledged himself to fight rationalism and religious indifference with the weapons of the Augsburg Confession and Luther's Small Catechism. At the same time, Schmucker's concerns moved beyond narrow definitions of traditional Lutheran faith and practice. He supported revivalism. He favored the development of interdenominational agencies, such as the Sunday School movement, to spread Christianity and to improve national morality. He spoke out on American national issues—expressing, for example, his fears of new immigrants and Roman Catholics. He also was a founder of the American branch of the Interdenominational Evangelical Alliance (1846), and prepared an address for the 1873 New York meeting of the Alliance as almost the last act of his life.

Schmucker eventually antagonized traditional Lutherans when he moved to modify the historic Augsburg Confession. To him it was Lutheran enough to agree that "the fundamental doctrines of the Word of God are taught in a manner substantially correct in the doctrinal articles of the Augsburg Confession." If he concluded that he could then go on to question the Real Presence of Christ's body in the Lord's Supper, to reject private confession, to wonder if baptism really brought regeneration, and (in keeping with American "Puritan" opinions) to desire a much stricter Sabbath, he still thought of himself as a good Lutheran. But others did not.

Schmucker's point of view came close to being the prevalent one until about the mid-nineteenth century. Then, however, the growing numbers of immigrants from Germany and Scandinavia and a revival of interest in the roots of the Reformation combined to lessen his influence. Schmucker's books, like *A Fraternal Appeal to the American Churches* (1838), pleased his friends but worried the new immigrants by adding modern American convictions to tradition-

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ally Lutheran beliefs. The anonymous *Definite Synodical Platform* of 1855, which proposed a revision of the Augsburg Confession along lines favored by Schmucker, precipitated a clash that eventually led to the mobilization of "European" Lutheranism against the trends favored by Schmucker.

In the struggle between "American" and "European" Lutherans, defenders of old ways were blessed with capable leaders. One of these was the American-born Charles Porterfield Krauth (1823-1883), whose book *The Conservative Reformation and Its Theology* provided a forthright rationale for maintaining strict Old World standards for Lutheran teaching, even in the confines of the New World. For Krauth, a belief in the general correctness of the Augsburg Confession was not enough. This document, rather, needed to be affirmed in its details, for it was "the greatest work, regarded in its historical relations, in which pure religion has been sustained by human hands. . . . It is our shield and our sword, our ensign and our arming, the constitution of our state, the life of our body, the germ of our being."

Another conservative was Carl Ferdinand Wilhelm Walther (1811-1887), a native of Saxony who migrated to the United States in 1838. Walther was every bit as active as an American revivalist, but it would have been an insult to tell him so. He pastored a church in St. Louis, helped start a training institute for ministerial candidates, founded a publishing house, a newspaper, and a theological journal, and worked to unite several different Lutheran synods. He became president of the German Evangelical Lutheran Synod of Missouri, Ohio, and Other States (forerunner of the modern Lutheran Church—Missouri Synod), and was a leading figure in the Evangelical Lutheran Synodical Conference of North America that came into existence in 1872. Although Walther leaned toward congregationalism and proclaimed such high views of God's grace that he was called a "crypto-Calvinist," he shared with Krauth the conviction that the Lutherans' main task in the New World was to maintain Old World distinctiveness rather than adjust to American ways. Walther therefore insisted that ministers, as a condition of their service, affirm "that without any exception the doctrinal contents of the confessions of our church are in complete agreement with the Holy Scriptures and are not in conflict with the same in any point, whether a major or a secondary point. Accordingly, [the minister] declares that he heartily believes the contents of the confessions to be divine truth and that he intends to preach it without adulteration."

Following Krauth, Walther, and like-minded confessionalists, American Lutheranism turned back toward Europe. With other ethnic Protestants, such as the Dutch Reformed, some of the Lutherans also established their own system of private schools at a time when most other American Protestants were becoming strong supporters of public education. Thus, the first coming of American Lutheranism was brought to an end. American Lutherans turned their backs on what Schmucker had thought was a pious form of Americanized Lutheranism, but what his detractors concluded was only a mildly Lutheranized form of American pietism. Connections to the wider worlds of American religion would not be reestablished to any significant degree until after World War II. Whatever brought about this situation—the upsurge of immigration, a more strictly theological solicitude for Lutheran traditions, or (as Paul Kuenning argues in his recent *Rise and Fall of American Lutheran Pietism* [1988]) a morally suspect retreat from public activism to social quietism—the course of Lutheranism was fixed.

Radically different interpretations of the transition from the path of Schmucker to the path of Krauth and Walther are possible. From one point of view, we might conclude that it was unfortunate for American Lutherans that this reversal took place. Certainly it led to a loss of Lutheran influence in America, to the promotion of a parochial spirit, to a slavish obeisance to the memory of Europe, and to squandering more than a century of hard-won wisdom on negotiating a livable compromise between Old World traditions and New World realities.

From another angle, however, one might suggest that it was extremely fortunate for American Lutheranism that the reversal took place. In this reading, by not following Schmucker's path into the wider worlds of nineteenth-century American evangelicalism, Lutherans avoided the disasters that by the time of Schmucker's death in 1873 lay only a few short years into the future. Schmucker had hoped that Lutherans could join nineteenth-century evangelical culture and, in so doing, add a distinctively Lutheran seasoning to an already heady brew. But the brew that Schmucker so much wanted Lutherans to share was, even as he wrote to the 1873 meeting of the Evangelical Alliance, turning very flat indeed.

In fact, soon after Schmucker's death a disastrous three-fold division took place in the Protestant mainstream. In response to new social and intellectual challenges, some heirs of nineteenth-century evangelicalism, who would soon be called modernists, moved with the times, conceded the hegemony of the new sciences, and sought a new alliance between modernized faith and the American way of life. Others, the later fundamentalists, responded in a more complicated way. They moved both with and against the times—with, by adopting the new applied technologies of mass media and public marketing; against, by resisting the evolution of old doctrines demanded by the new era. They too attempted to preserve a Protestant America, but with its old content as well as its old form. By far the majority of Protestants vacillated in the middle, nostalgic for the old harmo-

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nies of society, mind, and religion. They were unsettled by the tendency of new ways to dismiss traditional Christian convictions, but also unwilling to decide for either the modernist or fundamentalist construction of true religion.

The redirection of Lutherans from an Americanizing to a separatist course meant that they were spared this disruption of the evangelical Protestantism that Schmucker had so admired. From the standpoint of later American history, Lutherans had entered into a desert sojourn. But from a church-historical angle, it meant that when the Lutherans did reemerge after World War II, they entered onto the broader American scene still self-conscious Lutherans. At least the self-isolated Lutheran existence from the mid-nineteenth to the early-twentieth century had served to strengthen the likelihood that something distinctively Lutheran would survive into the twentieth century.

What, then, about the second coming of American Lutheranism after World War II? What was gained for Lutherans by escaping the diffusion that vitiated the energies of America's central white Protestant tradition at the start of the twentieth century? A jaundiced observer might have reason to conclude that the answer to the question is nothing, that Lutherans escaped the collapse of late-nineteenth-century American Protestantism only to embrace the forms of late-twentieth-century American Protestantism precisely at the point when they too were lapsing into pallid cultural captivity.

Thus, it has taken the ELCA and the groups that went into its formation a long time to create a modern American denomination. But once having achieved that end, does the ELCA have anything authentically Lutheran to contribute to the wider American community it has struggled so mightily to enter? A disturbing conclusion can be drawn from Christa Klein's recent study of the Lutheran Church in America's social pronouncements of the 1960s and 1970s (*Politics and Policy* [1989]). What the study seems to show is that the LCA acted on the same issues as did other mainline Protestant denominations and responded to these issues in pretty much the same mildly moralistic liberal fashion. The historical picture Christa Klein draws of denominational leaders fleeing from distinctive Lutheran doctrines like two-kingdom theology in their haste to be relevant to mid-century American life is not an encouraging one. Did nineteenth-century Lutherans turn from the path of Samuel Schmucker so that they could emerge in the mid-twentieth century as conventional partners of the mainline establishment? Klein leaves the issue as a question, but Peter Berger is more assertive. As he has put it, American Lutheranism lost "its distinctiveness . . . in the wake of the recent merger" between the Lutheran Church in America and the American Lutheran Church that led to the ELCA. Berger's protest against what he considers the defalcation of the Protestant mainline, including the ELCA, is that it has made him "ecclesiastically homeless." At a time when observers like Berger are describing with aching poignancy the discontents of the mainline, it is odd to see the ELCA rushing so hard to catch up.

The same sort of jaundiced observations might be made, from the other end of the ideological spectrum, about the Lutheran Church—Missouri Synod. When its discord of the 1970s brought Missouri greater national attention, it did so in terms that seem to come straight out of the history of the fundamentalist movement. Did Missouri under C. F. W. Walther escape the perils of Schmucker's nineteenth-century American evangelicalism only to reemerge a century later as woodenly biblicistic, anti-intellectually creationistic, defensively patriarchialist, and conventionally rightist in politics—just when it was becoming increasingly clear how much these fundamentalist positions depended upon quirks in American Protestant history rather than main traditions of classical Christian faith?

The jaundiced critic, in other words, might think that American Lutherans escaped the peril of nineteenth-century Schmuckerism only to fall prey to a late-twentieth-century version of the same thing—for the ELCA, launching the ecclesiastical ship into a mainstream that had almost run dry; for Missouri, taking on the colors of a fundamentalism ever more clearly revealed as a Christianity merely of assorted rightist tendencies.

Perhaps these judgments about the ELCA and Missouri are as off the mark as seeing Lutheran behavior only as a predictable product of immigrant experience. Maybe the ELCA really does take seriously the profession of its founding document: "This church confesses the Gospel, recorded in the Holy Scriptures and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world." Maybe, along the line that Milton Rudnick's *Fundamentalism and the Missouri Synod* (1966) demonstrated so well for a previous era, Missouri continues to be substantially Lutheran and only incidentally fundamentalistic. If that is the case, if the ELCA and Missouri both retain authentically Lutheran convictions as they enter, along different paths and perhaps willy-nilly, into broader currents of American life, then the turn from Schmucker will not have been an ironic one. Then the separatism of Lutheranism in America from the mid-nineteenth to the mid-twentieth century might turn out to mean something very important indeed.

III

From a Christian point of view, it is certainly to be hoped that the above jaundiced judgments are wrong. Lutherans do have much to offer to the wider American community, but only if they can fulfill two conditions. First, to contribute as Lutherans in America, Lutherans must remain authentically Luth-

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eran. Second, to contribute as Lutherans in America, Lutherans must also find out how to speak Lutheranism with an American accent. Falling short of either condition means that, though Lutherans as religious individuals may contribute much to Christianity in America, there will be no distinctly *Lutheran* contribution. The task is to steer between the Scylla of assimilation without tradition and the Charybdis of tradition without assimilation. If such skillful navigation could take place, the resources that Lutherans offer to Americans, especially to other Protestants, would be of incalculable benefit.

First, if Lutherans were to retain their traditions even as they discover ways of communicating them in America, they would be in an ideal position to show the benefits of a religious consciousness rooted in the past. Like a few other ethnic confessionalists from the sixteenth century, but unlike most American Protestants, Lutherans have always insisted that history is important for the faith. In America, the Revolutionary heritage has proclaimed that the past is pollution. Beneficial as this sentiment may be for affairs of government, it has been a poison to the church. American Christians who proclaimed "no creed but the Bible" gleefully joined the anti-historical chorus. Filled with great pessimism about what they could learn from the past, Americans have from the beginning possessed an even greater optimism about what they could teach themselves in the present. This attitude continues to prevail widely among Protestants, and now among a growing number of Roman Catholics. It is an attitude that the Lutherans are well positioned to oppose.

Why should American Christians regain a historical sense? What can be wrong about forsaking the corruptions of the past in favor of self-reliance? It must, of course, be conceded that a historical sense can be perverted. If, as the Lutheran Jaroslav Pelikan puts it, "tradition is the living faith of the dead," then "traditionalism is the dead faith of the living." American Protestants may be commended for watching out for the dangers of formal traditionalism. They can also be accused of throwing out the baby of history with the bath water of formalism.

Lutherans are in a position to teach a much sounder view of the past. The very structure of Lutheran observance draws attention to the enduring realities of divine providence. American evangelicals, who waste away with panting for the supernatural quick fix, and American liberals, who want to fix things by themselves and right away, both need to learn from Lutherans that God's concern extends over decades and centuries as well as over days, weeks, and months. Lutherans, who know something about the long view of history, should be insulated against the instability of innovation and the overconfidence of ignorance. Many of America's most energetic Christian leaders have cried with virtually the same words: "I have found something new. You must accept it or be lost." Against this lust for novelty, the Lutheran sense of history stands as a sober witness. Its wisdom lies in the realization of how regular are the follies of humanity, how constant the grace of God. Lutherans should not be so filled with hubris as to deny the reality of historical change. But they are in a position to show that the accumulated testimony of the past is far more likely to plumb the depths of God's character and the vicissitudes of human nature than the idiosyncratic voice of the present.

A Lutheran sense of history also opens up the simple, but stupendous, truth that the communion of saints exists over time as well as out in space. The Reformers taught that God shows his mercy to all believers, not just to a priestly class. American Protestants sometimes remember as far back as the generation of their parents or grandparents. Rarely do they consider the insight that lies buried much further back in the Christian past. The Lutheran tradition does not, of course, exhaust the ministry of the Christian past. But to realize that its saints—von Bora, Melanchthon, and Bugenhagen; Cranach, Schütz, and Gerhard; Chemnitz, Chytraeus, and Andreae; Spener, Francke, and Bengel; Schmucker, Krauth, and Walther—are still ministering priests as well as historical figures is to broaden the meaning of *communio sanctorum*. One could perhaps ask them to range farther afield in the past for the ministry of departed saints, but in America it may be enough for Lutherans to maintain a lively contact with their own heritage. Such an example could go far to cure the dreadful amnesia that cripples nearly all Christian faith in America.

Second, if Lutherans retained their traditions even as they discovered ways of communicating them in America, they could offer a great assistance to Christian political involvement. The dominant pattern of political involvement in America has always been one of direct, aggressive action modeled on Reformed theories of life in the world. Like the early leaders of Calvinism on the Continent and the English Puritans, Americans have moved in a straight line from personal belief to social reform, from private experience to political activity. For the colonial Puritans and the nineteenth-century evangelicals this meant the mounting of crusades. It has assumed the necessity of moving directly from passion for God and the Bible to passion for the renovation of society. The more recent and more secular period of American history is no less characterized by crusading zeal. Now, however, it is not so much zeal for God and the Bible as infatuation with science and technique, eagerness for American influence among the nations, or a passion for private rights that fuel efforts to renovate society. The common strategy in each period has been wholehearted pursuit of political goals defined on the basis of private religious belief (or in the secular period, private beliefs functioning as religion once functioned). The public sphere, which increasingly has

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meant the realm of government, exists as a forum in which to promote the virtues defined by my religion (or substitute for religion).

Such Reformed attitudes toward life in the world have had an immeasurably great effect on American history. Calvinistic convictions about living all of life for the glory of God led to the remarkable experiment of seventeenth-century New England, where Puritans created the freest, most stable, most democratic society then in existence in the entire world. In the eighteenth century, a more diffuse Puritan passion for public justice provided, if not the specific ideology, at least much of the energy for the American Revolution and the creation of a new nation. During the nineteenth century, a more general evangelical Protestantism fueled immense labors of Christianization and civilization—subduing a continent, democratizing a people, evangelizing at home through revival and abroad through missions, reforming institutions, attitudes, habits, and social practices, and surviving a civil war that ended with the prohibition of slavery.

The encroachments of secularism on this Reformed deposit have changed the substance but not the form of public activity. When Science replaced Scripture and Progress elbowed God aside, the goals remained the same—all of life must still be reformed. Only the agency was different. It might be Education, opened to all as a means for solving the nation's problems. It might be Science and Know-How, the Form and Demiurge of modernity. Most typically, the new religion has been government, or the state. With Democrats who favor social equality and the moral role of legislation or Republicans who favor national security and legislative promotion of a free market, the crusading mentality remained. Thus, though modern Americans may differ in nearly every particular from their Puritan and evangelical ancestors, they still are deeply committed to working out their salvation, and the salvation of everyone else, through the restructuring of public life.

Conspicuously absent in this political-religious history have been the characteristically Lutheran attitudes. For one, it has been rare for Americans to think that a different strategy, a different set of axioms, might be appropriate for public life than for private life. Rather, Puritan spirituality fueled the drive for a Puritan commonwealth. Evangelical revival became the model for evangelical social reform. The pragmatic approach to the self associated with John Dewey became a pragmatic method for regulating the public. The pursuit of absolute moral freedom for the self became the drive for moral liberation in society. The Lutheran belief in two kingdoms—the belief that it might be possible to erect a theory of government that is different from values guiding the self—has been rare in American history.

Similarly, there have been only occasional examples of what could be called "Lutheran irony." In religious terms, this irony is the sense that precisely when Christians mount their most valiant public efforts for God, they run the greatest risk of substituting *their* righteousness for the righteousness of Christ, and thereby subverting justification by faith. A few Americans, like Nathaniel Hawthorne in the nineteenth century and Reinhold Niebuhr in the twentieth, may have glimpsed this irony, but it has been a distinctly minority position. In secular terms, "Lutheran irony" would be a bent of mind quick to perceive where the public crusade leads to unintended consequences: constitutional actions to free the slaves that result in vastly expanded power for the courts, or efforts to make the world safe for democracy (Wilson) that lead to the rise of a Hitler, or a willingness to go anywhere in the defense of freedom (JFK) that leads to Vietnam, or the desire for national security that heightens the risks of global annihilation. In both cases, religious and secular, a "Lutheran" might be justified in asking if the transit from personal moral vision to comprehensive public crusade did not falter precisely for the failure to observe the structural differences between personal moral vision and comprehensive public crusade, between, that is, God in relationship to the individual and God in relationship to the world.

The political point is not that Reformed attitudes toward culture are dead wrong, nor that a "Lutheran" perspective is automatically correct. From a more general angle, it is possible to tot up strengths and weaknesses of both Reformed and Lutheran, as well as of Catholic and Anabaptist, political tendencies—for example, Reformed strength in guiding the restructuring of societies, Reformed weakness in carrying reforming zeal to excess; Lutheran strength in recognizing the occasional incongruity between private and public spheres, Lutheran weakness in the tendency to lapse into political quietism. As it is, however, America has enjoyed a surfeit of Reformed tendencies and only a very occasional nudge in the Lutheran direction. A better balance is possible.

Third, if Lutherans retained their traditions even as they discovered ways of communicating them in America, they could offer Americans the strengths of a noble theological tradition, noble for its form, but even more for its content. Historically, it has been rare for carefully constructed theology to flourish in America. There has been no dearth of Christian conviction, no lack of intellectual seriousness, no shortage of disciplined thought. But such effort has only rarely produced cohesive theology. Americans have excelled in pragmatic efficiency; they have not been keen on cohesion. In fact, theological effort itself has been a cause of no little suspicion—because it fetters Christian liberty, because it undercuts the authority of the Bible, because it gets in the way of urgently required reform. In place of well-conceived and deliberated confessions, Americans prefer hastily

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constructed statements of faith or simply rely on conventional wisdom.

Lutherans are heirs to a better way. They possess confessions that have stood the test of time, that arise from the major themes of Scripture, that present a cohesive picture of the Christian's relationship to God, to fellow humans, and to the world. The starting point of Lutheran thought, to its credit, is, in George Lindbeck's words, "neither biblicistic nor experientialist, and certainly not individualistic, but dogmatic." In America, the dogmatism has taken several different forms, and the differences among those forms are not trivial. But what they share with their confidence in dogma could bring welcome refreshment to the American church.

Lutherans have something for Americans not simply in the fact of their confessionalism, however, but also in the message of their confessions. That message sounds at least slightly strange to Americans, even to well-meaning Protestants and the increasing number of Catholics concerned about repairing the sixteenth-century disruptions. It is strange because it stands outside the main shaping influences of American history. The strangeness suggests that the Old Lutherans who feared the Americanizations of Samuel Schmucker intimated more theological dangers in the American experiment than either they or Schmucker could define. That experiment began with revolution and a Christianized embrace of what historian Henry May has called moderate and didactic forms of the Enlightenment. Its religious character was shaped by revivalistic spirituality and voluntaristic ecclesiastical organization. It nurtured a Christianity at ease with cultural domination. It led, in the early years of this century, to a debilitating struggle between fundamentalists and modernists.

This mainstream American history was not a bad history for the churches. The gospel has flourished in it remarkably. But it is a history that easily becomes ingrown, that too easily forgets what others from different times and places, including the places indigenous to Lutherans, have learned. Precisely because they pulled back into themselves, as it were, in the middle decades of the nineteenth century, Lutherans have something to say to a Christian people shaped by this American history. What they have to say involves central affirmations of the Reformation which, if they are to be heard in America at all, must be heard from Lutherans. There are at least four such things the Lutherans have to say.

A first concerns the church. If a great strength in American religion has been the power of its voluntary activism, so a corresponding weakness has been the notion of a voluntaristic ecclesiastical organization. American Christians might find a spiritual truth in Luther's claim that "outside the Christian church there is no truth, no Christ, and no salvation." But the prevailing tendency of at least American Protestants has been to treat all ecclesiastical organization as a product of human creativity, an object of human manipulation. Americans achieved great success in shaping political institutions for the New World. Tom Paine appeared to be correct when he said, "We have it in our power to begin the world over again." This confidence in the people's ability to model institutions anew has spilled over into the church. Creativity, flexibility, marketability, and adaptability result. But so does a loss of permanence, stability, and tradition that Lutheran ecclesiology might provide.

More centrally, the defense of an Augustinian conception of human nature by the earliest Protestants has not fared well in this country. Given the great confidence of the Revolutionary period in the human ability to chart a political destiny, the great confidence of the Enlightenment in ascertaining human motivation, and the great confidence of revivalists in discerning spiritual ends and means, Augustinianism was doomed. In America it was simply too much to believe that *sinfulness*—the ineluctable curvature of the self in upon itself—was a greater problem than *sins*, the freely chosen actions of the will. As a result, American Christians have largely lost the reformers' belief in the labyrinthine depths of human self-deception, and so they have lost the ability to feel, as Luther felt, the thrilling victory of God's grace in Christ.

A related casualty in America has been Reformation convictions about the objectivity of salvation. Particularly with the great revivalistic concern for the experience of conversion at a particular point in time and then with the great moralistic concern for the promotion of solutions to the problems of society, it has been difficult to retain the sixteenth-century consciousness of the centrality of God's action in human affairs. The Protestant tendency in America has been to preserve the importance of preaching, Bible-reading, the sacraments (or ordinances), and Christian fellowship, but to interpret these as occasions for human acts of appropriation. That *God* saves in baptism, that *God* gives himself in the Supper, that *God* announces his Word through the sermon, that *God* is the best interpreter of his written Word—these Lutheran convictions are all but lost in the face of American confidence in human capacity.

Finally, what Lutherans can offer Americans is the voice of Luther, a voice of unusual importance in Christian history, not because of who Luther was and not because of the organizations that carry on his name. The voice of Luther is important because in it we hear uncommon resonances with the voice of God. Luther is no more a saint than the least of all believers, no more an oracle than the most ordinary person who tries faithfully to proclaim the word of God. But, for whatever reason, in the effable wisdom of God the speech of Martin Luther rang clear where others merely mumbled. That speech may have grown stale in

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Stockholm, Oslo, Hamburg, Munich, and Bonn. It evidently retains a little power in Leipzig and east of the Brandenburg Gate. Its power has yet to be tapped in America as a whole.

And what does that voice say? It says what especially Americans need to hear:

—It says: "That person does not deserve to be called a theologian who looks upon the invisible things of God as though they were clearly perceptible in those things which have actually happened. . . . He deserves to be called a theologian, however, who comprehends the visible and manifest things of God seen through suffering and the cross. . . . A theology of glory calls evil good and good evil. A theology of the cross calls the thing what it actually is."

—It says: "I believe that Jesus Christ, true God, begotten of the Father from eternity, and also true man, born of the virgin Mary, is my Lord, who has redeemed me, a lost and condemned creature, delivered me and freed me from all sins, from death, and from the power of the devil, not with silver and gold but with his holy and precious blood and with his innocent sufferings and death, in order that I may be his. . . ."

—It says that Christians are always both justified and sinners.

—It says, in Luther's last written words, "We are beggars, and that's the truth."

These are words that Americans need to hear. They need to hear them in church, but they also need to hear them in the universities, in the boardrooms of corporations, in the halls of Congress, in the military, in homes and schools and shopping malls and on athletic fields and the factory floor—in every place where the restless hearts of men and women search for meaning, forgiveness, truth, and the hope of life. They are words for Catholics, Orthodox, and Protestants, but also for those who do not recognize their need of God. They are words that can be said in other ways by other folk, and they are not the only words that people need to hear. But reservations, qualifications, and limitations do not make them any less important. They are also words that Lutherans have long repeated to themselves and to their children.

Americans, to be sure, do not stand by with bated breath to see if Lutherans still believe these words or if they can find a way to speak them with power in the late twentieth century. Whether Lutherans still believe these words, or whether they can speak them with power today, are, however, questions that no outsider can hope to answer. They are questions that Lutherans must answer for themselves.

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Confessions of a Rootless Cosmopolitan Jew

Stephen Miller

I, the grandson of devout Orthodox Jews, am watching my younger daughter being confirmed in the Lutheran Church. The minister, an affable, athletic-looking man, has his hands on my daughter's head as he says a prayer. Afterwards, my wife takes a group picture of the smiling minister with the confirmed kids. I stand in the background—an outsider, mildly uncomfortable, looking forward to leaving this alien realm and returning to my usual Sunday morning activity: reading the *New York Times*. I am what so many Jewish leaders worry about—a non-Jewish Jew whose children, by virtue of my marriage to a gentile, are being raised as Christians.

Many Jewish-gentile families retain some Jewish traditions. My family is thoroughly Christian; we celebrate Christmas and Easter, not Hanukkah or Passover. No doubt, if all Jews followed in my footsteps, the Jewish people would no longer exist. My response to that highly unlikely possibility is: "So what?" I don't feel any obligation as a Jew to preserve the Jewish people, and I find truly offensive the argument of those who speak of a "Silent Holocaust," who argue that assimilation is a posthumous victory for Hitler. How can the slaughter of innocent people on the basis of some absurd racist theories be equated with assimilation—the latter a choice freely made?

Some people would argue that my choice is not "really" a free one—that the demon of Jewish self-hatred has compelled me to move far way from my origins. There is no arguing with those who read my character in such fashion, since whatever I say will be grist for their mill, but I should note that I have never tried to hide the fact that I was born and raised a Jew. And I don't think I'm protesting too much when I say that I have many Jewish friends, including some who practice the rites of Judaism.

Even if self-hatred—a notoriously open-ended notion—is ruled out, there remains the question of duty. I don't think the Holocaust confers a special obligation on me, but I do wonder if I have *some* obligation to the religion I was born into. The notion of obligation is very strong among Jewish intellectuals. Daniel Bell has said that obligation is at the core of Judaism; obligation, he says, "is a redemption of debt to those who have nurtured us, institutions which have fostered us, and so on." In *Commentary* recently, Neal Kozodoy said of a famous Jewish writer's lack of connection with organized Jewish life, "He had conspicuously declined to educate himself about its culture, its traditions, or its modes of self-perpetuation." Do these strictures apply to me as well? I remember my devout grandmother—a generous, amusing, and tough-minded woman who emigrated from Romania when she was seventeen so that, among other things, she would not be persecuted for being an Orthodox Jew—or indeed a Jew, period. Did I casually relinquish what she struggled so hard to preserve? Did I walk away from Judaism too quickly?

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Certainly, as a child I walked away from Judaism—even ran sometimes, disliking the Hebrew school I attended three times a week after public school. Though my grandparents on my mother's side were devout Jews (my father's parents died when he was a child), my parents were not devout. In fact, I don't recall that they ever attended a holiday service, although we celebrated Hanukkah and Passover. Nevertheless, perhaps because I was the first male grandchild, my mother—in an effort to appease her Orthodox mother—enrolled me in a Orthodox Hebrew school. I was also supposed to attend synagogue on Saturday morning.

The school was depressing; the air was dank and the lighting poor. Sitting in those classrooms, I thought of all the things I could be doing at the time—playing softball, basketball, stickball, stoopball, handball, boxball, all of which I immensely enjoyed. Instead, I hunched over a desk, deciphering Hebrew letters and memorizing passages from the Pentateuch. The teacher I remember most was a gruff Israeli woman who hit her pupils on the wrists with a pointer if they screwed up. What did I learn in those five years? Not much: the basics of Hebrew, though very little in the way of solid grammar, and a rough knowledge of the first five books of the Old Testament. On Saturdays I heard a lot of prayers and some Hebrew songs, but I had no idea what this religious ceremony was about save to endlessly extol God. The only thing I knew Judaism stood for was the new state of Israel, which I was supposed to help by asking family, friends, and neighbors to drop coins into a blue and white

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To say I hated Hebrew School would be an exaggeration. I liked the Hebrew script, and in college I often doodled by writing out my name in that script, but I certainly was a lot happier when, after my Bar Mitzvah, I no longer had to attend Hebrew School and could spend afternoons playing ball on the Bronx street where I lived. After my Bar Mitzvah, in fact, my connection with Judaism was minimal. My mother expected me to go to synagogue on High Holy Days, but she didn't go herself so she didn't know that I never attended a service—preferring to stand outside and talk to friends. Even before I was Bar Mitzvahed, I rarely sat through a complete Saturday morning service. I would usually sneak out early, heading for the movies or a nearby playground.

I don't know if it was my five years in Hebrew School or my three years in the Cub Scouts, but something in my childhood left me with a strong distaste for any communal activity except sporting events. My connections with organizations have been few and far between—one year as a fraternity member in college, four years as a member of the Republican Party in the early 1980s. I am not a joiner, which doesn't mean that I disapprove of voluntary associations.

In any case, the minor ordeal of Hebrew School left me not only with a distaste for Judaism but also with a strong lack of interest in religion. Yet I never became an atheist—never hated religion the way some friends did who had been raised as strict Catholics. In college, I avoided late-night metaphysical bull sessions. Talking about God, to my mind, was a waste of time, since one couldn't prove (or disprove) his existence.

Yet in college something happened to me that eventually caused me to reassess my attitude toward religion. I had never been much of a reader in high school, but in college I became so devoted to reading that after my sophomore year I quit all my extracurricular activities and read as much as I could. It soon became obvious to me that some of the writers who meant the most to me—Donne, Herbert, Samuel Johnson, T. S. Eliot, Dostoevsky, and Flannery O'Connor come to mind—were devout Christians. Soon afterwards I discovered the sublimities of Christian music and soon after that the power of Christian art.

Nevertheless, I still remained uninterested in religious questions—and still thought that believers were generally stupider than nonbelievers. Although some of the writers, musicians, and painters I admired were devout Christians, I considered the artist's beliefs irrelevant. Nourished on New Criticism, I thought only critical dolts paid attention to the artist's opinions. Were not Wagner and Pound anti-Semitic? Were not Celine and Emile Nolde Nazis? The only thing that counted was the thing in itself—the work of art. Moreover, there were many writers I admired who were not Christian—or only marginally so.

But it was not always easy to tiptoe around a writer's beliefs. There were some writers, Pascal and Samuel Johnson, whose beliefs one could not ignore because they are central to their work. And though one can certainly appreciate Dante, Bach, Giotto, or George Herbert without being a Christian, one cannot deny the centrality of Christian ideas and images to their work. If so many great musicians, painters, and writers were devout Christians, then who was I to smugly dismiss religious belief as something for lesser intellects?

A growing respect for Christian thought—or at least the thought of some Christian thinkers—stimulated my curiosity about the many currents of Christianity. What was Pascal's Jansenism about? Or Johnson's Protestantism? Pure theology didn't interest me, but the history of Christianity did. Fascinated by the seemingly endless struggle between orthodoxy and heterodoxy, I began to read books that centered on periods of crisis in Christianity—especially Late Roman times and the Protestant Reformation. I remember being so struck by Peter Brown's brilliant biography of Augustine that I reread it a year after I finished it.

Reading about these controversies and rereading some of my favorite Christian writers, I came to another conclusion: the views of some Christian thinkers were more profound that the views of some highly touted anti-Christian modern thinkers. It was not that I was persuaded by these writers to become a Christian. Rather, I was persuaded that these writers had a more profound understanding of the springs of human conduct than the four intellectual gods it was fashionable to worship when I was in college and graduate school: Rousseau, Nietzsche, Marx, and Freud.

In all these years of reading while holding a variety of jobs in journalism and the academy, I did not give a moment's thought to the Judaism of my childhood. My connections with Judaism were marginal—attending a Passover seder once a year—and it never occurred to me that Judaism might also offer some profound insights into the human condition. After all, I was nourished on English literature and had read widely in French and Russian literature. Where were the Jewish writers who might influence me? The Jewish-American writers I read had a lot to say about the trials and tribulations of American Jews, but very little to say about Judaism.

It was not until the birth of my first child that I gave any thought to my Jewish heritage—and it was only a passing thought. My wife, raised in a relatively unreligious family as a Hungarian Protestant (Hungarian Reformed Church), wanted to raise my daughter as a Christian. Why should I object, since I had no quarrel with Christianity? The idea of dusting off my childhood Judaism and becoming a practicing Jew for the sake of my daughter seemed absurd. Children see through such ruses easily. The only other option was

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raising her ecumenically—that is, exposing her to Judaism and Christianity—but that also made no sense to me. The two religions should respect each other, but at bottom they are profoundly different. To serve up both religions in order to "give my kid a choice" is to trivialize their differences.

So my first daughter, and of course my second daughter, who came along five years later, were baptized and confirmed in the Lutheran Church—not, by the way, because my wife was profoundly attracted to Lutheran doctrine; she liked the fact that music—for the most part very good music—was central to Lutheran worship. Both my daughters, who consider themselves Christians, have asked me why I don't go to a synagogue on Saturday. My answer is always the same: "I'm not a believer." Which doesn't mean that the subject of Judaism is not discussed in my house. My kids have occasionally attended a Jewish ceremony—a Passover seder at the Jewish nursing home where my mother lives—and they have asked me about aspects of Judaism, which I've tried to answer to the best of my ability.

So here I stand, unapologetically, one of these Jews who, as one writer put it, is "fading into the landscape through assimilation and sheer indifference." I have no second thoughts about becoming assimilated—whatever that means—but I'm not indifferent about the path I have taken. In fact, my rootless cosmopolitanism disturbs me for two reasons.

One is the problem of Christian anti-Semitism. If it were true that anti-Semitism was central to Christian thought, then letting my children be raised as Christians—for it was not something I would have chosen by myself—would imply that I've enabled them to embrace a doctrine that is inimical to Jews and Judaism. I have read widely on this question and strongly believe that anti-Semitism is not at the heart of Christianity, though there is no gainsaying the fact that anti-Semitism has been preached by many Christian thinkers, including the founder of the church my wife and children attend. Cynics may say that if I want to keep my self-respect I have no choice but to come to such a conclusion, but others with no personal stake in the matter have come to the same conclusion.

In any case, the problem of Christian anti-Semitism has to do with how I fit into a Christian household; it has nothing to do with my continuing lack of connection with Judaism. After all, I could go to synagogue even if my wife and two children attend church. In my mid-thirties I decided that I should know more about Judaism, so I read a few books on the subject. They changed my life not a whit. Though I gained a greater appreciation of the evolution of Judaic thought, and though I was horrified by the way Jews have been treated in the last 2,000 years, I did not feel any desire to become an observant Jew. In fact, something else happened: I was tempted to become a Roman Catholic, having come to regard the Roman Catholic Church as one that strove to be "above" ethnic differences. I fantasized that if the whole world became Roman Catholic, ethnic and religious strife would end.

I didn't really believe in this fantasy, so I'm not sure why I was so drawn to the Roman Catholic Church that one day I walked into a Catholic reading center and marched up to a priest and said, my heart pounding, "I'm interested in converting to Catholicism."

"Would you like to attend Mass?" the priest asked. "There's a noon Mass that begins in five minutes."

The idea of actually attending a religious ceremony caused me to panic: "No, not right now."

He gave me a pamphlet to read: "Take a look at this," he said.

"Thanks," I said, and rushed out.

I never did read the pamphlet, and gradually the thought of converting dimmed in my mind.

The second reason I feel uneasy about my rootless cosmopolitanism is that it doesn't square with my political outlook. Most non-Jewish Jews, as one observer has said, do have a religion: liberalism. Many liberals subscribe to a number of notions that I disagree with—especially a belief in human perfectibility. Many liberals also tend to regard deeply religious people as neurotic or crooked—a Jimmy Swaggart rather than a Dietrich Bonhoeffer or Alexander Solzhenitsyn. Fearing the flowering of religious belief in American life, liberals often favor a strict separation of church and state. I don't. I think religious belief is for the most part a positive force in American life, one that enables people to withstand some of the destructive and repulsive aspects of mass culture.

If religion is a good thing, then why don't I stop temporizing and hook up with one? After all, I'm not an atheist; I am a believer—or at least a believer to such an extent that I find myself praying at times. "Even in the life of a Christian," Flannery O'Connor says, "faith rises and falls like the tides of an invisible sea." O'Connor, like Pascal, suggests that developing the habit of worship—going through the external motions of faith—fosters belief.

But perhaps because my belief is weak, I have never had the desire to go through the external motions of faith. My intellect recognizes the need for religion, but my heart rebels against being a member of a religious community. Even if I overcome that aversion, there is another problem: which religion to practice. I'm strongly attracted to Christianity, but piety—i.e., loyalty or devotion to one's family—makes it unlikely that I ever will convert.

Constrained by familial piety, why don't I attempt to rediscover Judaism? David Tracy has said that "you can often best rediscover your own religion . . . by discovering other religions, their differences and their truths." Couldn't my knowledge of Christianity lead me to a new appreciation of Judaism? Perhaps, but the will to make this rediscovery is very feeble. Though

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I am uneasy about having deserted the religion of my Romanian-born grandmother, I don't see myself returning to Judaism. If I had married a Jew, I probably would have remained marginally Jewish, but I have lived in a Christian household for twenty-five years; the gulf between me and Judaism is too great.

So I do nothing. Does that mean that I have failed in my obligation to Judaism? Of course it does. I have not taken Judaism seriously enough because I have never been interested in taking Judaism seriously enough. I prefer to think about belief rather than to practice a religion. On the Sunday mornings when my wife and daughters go to church (they are not regular churchgoers, and my older daughter recently switched to a Unitarian church), I read the *New York Times*—happy to be alone in a silent house yet also frustrated by the Sisyphean task of trying to be reasonably well-informed about political affairs.

On some Sunday mornings, my spirit rebels. I'm uninterested in being well-informed; I want something else—something that marks off Sunday from the other days of the week. Transcendence? I am not sure what that means, but I associate it with music. I only know that some Sunday mornings I feel compelled to listen to music, which is something I rarely do during the week. Silent meditation is beyond me. I cannot do what Bonhoeffer suggested: find ten minutes "to be still and let the silence gather round . . . to stand in the presence of eternity and to let it speak. . . ."

While the music plays—usually classical but sometimes Gospel or even Indian—I sometimes daydream of a "perfect" religious experience, where custom and ceremony work their beauty: a mass held in a majestic Gothic cathedral, the service consisting of prayers in Latin, Hebrew, and the Book of Common Prayer interspersed with selections of great sacred music, from Gregorian chants to Stravinsky's Requiem Canticles—the service ending with a reading of several poems by George Herbert, especially "The Windows," whose last stanza implies that Herbert dislikes sermonizing.

Doctrine and life, colors and light, in one
When they combine and mingle, bring
A strong regard and awe; but speech alone
Doth vanish like a flaring thing,
And in the ear, not conscience ring.

How nice—a church of my own devising, one without sermons, one that conforms to my own aesthetic preferences.

Flannery O'Connor said that "it is much harder to believe than not to believe." I would say it is much harder to practice a religion than to believe in God. The former requires time, effort, and—usually—money; the latter doesn't require anything.

In *The Heretical Imperative*, Peter Berger says that "the modern individual is faced not just with the opportunity but with the necessity to make choices as to his beliefs." I feel no such necessity, perhaps because the question of which religion to choose does not burn strongly in me. Sometimes I am troubled by my free-floating aesthetic religiosity—but not troubled enough to do anything about it. For reasons only my heart knows I am likely to remain a rootless cosmopolitan Jew, facing toward faith but at ease in neither the temple of my ancestors nor the church of my wife and children. FT

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Always to Care, Never to Kill: A Declaration on Euthanasia

The following declaration was produced by the Ramsey Colloquium of the Institute on Religion and Public Life in New York City. The Colloquium is a group of Jewish and Christian theologians, ethicists, philosophers, and scholars that meets periodically to consider questions of ethics, religion, and public life. It is named after Paul Ramsey (1913-1988), the distinguished Methodist ethicist, who was a pioneer in the field of contemporary medical studies. An abbreviated version of the declaration appeared in the Wall Street Journal *of November 27, 1991.*

We are grateful that the citizens of Washington State have turned back a measure that would have extended the permission to kill, but we know that this is not the end of the matter. The American people must now prepare themselves to meet similar proposals for legally sanctioned euthanasia. Toward that end we offer this explanation of why euthanasia is contrary to our faith as Jews and Christians, is based upon a grave moral error, does violence to our political tradition, and undermines the integrity of the medical profession.

In relating to the sick, the suffering, the incompetent, the disabled, and the dying, we must learn again the wisdom that teaches us *always to care, never to kill.* Although it may sometimes appear to be an act of compassion, killing is never a means of caring.

The well-organized campaign for legalized euthanasia cruelly exploits the fear of suffering and the frustration felt when we cannot restore to health those whom we love. Such fear and frustration is genuine and deeply felt, especially with respect to the aging. But to deal with suffering by eliminating those who suffer is an evasion of moral duty and a great wrong.

Deeply embedded in our moral and medical traditions is the distinction between *allowing to die,* on the one hand, and *killing,* on the other. That distinction is now under attack and must be defended with all the force available to us. It is permitted to refuse or withhold medical treatment in accepting death while we continue to care for the dying. It is never permitted, it is always prohibited, to take any action that is aimed at the death of ourselves or others.

Medical treatments can be refused or withheld if they are either useless or excessively burdensome. No one should be subjected to useless treatment; no one need accept any and all lifesaving treatments, no matter how burdensome. In making such decisions, the judgment is about the worth of treatments, *not* about the worth of lives. When we ask whether a treatment is useless, the question is: "Will this treatment be useful for this patient, will it benefit the life he or she has?" When we ask whether a treatment is burdensome, the question is: "Is this treatment excessively burdensome to the life of this patient?" The question is *not* whether this life is useless or burdensome. Our decisions, whether for or against a specific treatment, are to be always in the service of life. We can and should allow the dying to die; we must never intend the death of the living. We may reject a treatment; we must never reject a life.

Once we cross the boundary between killing and allowing to die, there will be no turning back. Current proposals would legalize euthanasia only for the terminally ill. But the logic of the argument—and its practical consequences—will inevitably push us further. Arguments for euthanasia usually appeal to our supposed right of self-determination and to the desirability of relieving suffering. If a right to euthanasia is grounded in self-determination, it cannot reasonably be limited to the terminally ill. If people have a right to die, why must they wait until they are actually dying before they are permitted to exercise that right? Similarly, if the warrant for euthanasia is to relieve suffering, why should we be able to relieve the suffering only of those who are self-determining and competent to give their consent? Why not euthanasia for the suffering who can no longer speak for themselves? To ask such questions is to expose the logical incoherence and the fragile arbitrariness of suggested "limits" in proposals for legalized euthanasia.

We must not delude ourselves. Euthanasia is an extension of the license to kill. Once we have transgressed and blurred the line between killing and allowing to die, it will be exceedingly difficult—in logic, law, and practice—to effectively limit the license to kill. Once the judgment is not about the worth of specific treatments but about the worth of specific lives, our nursing homes and other institutions will present us with countless candidates for elimination who would "be better off dead."

In the face of such mortal danger, we would direct public attention to four interwoven sources of wisdom in our cultural heritage that can teach us again always to care, never to kill.

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Religious Wisdom

As Christians and Jews, we have learned to think of human life—our own and that of others—as both gift and trust. We have been entrusted to one another and are to care for one another. We have not been authorized to make comparative judgments about the worth of lives or to cut short the years that God gives to us or others. We are to relieve suffering when we can, and to bear with those who suffer, helping them to bear their suffering, when we cannot. We are never to "solve" the problem of suffering by eliminating those who suffer. Euthanasia, once established as an option, will inevitably tempt us to abandon those who suffer. This is especially the case when we permit ourselves to be persuaded that their lives are a burden to us or to them. The biblical tradition compels us to seek and exercise better ways to care. We may think that we care when we kill, but killing is never caring. Whatever good intentions we might invoke to excuse it, killing is the rejection of God's command to care and of his help in caring.

Moral Wisdom

We may possess many good things in life. Although we benefit from such goods, they do not constitute our very being. We can, if we wish, renounce such goods or give them into the control of another. Life, however, is not simply a "good" that we possess. We *are* living beings. Our life *is* our person. To treat our life as a "thing" that we can authorize another to terminate is profoundly dehumanizing. Euthanasia, even when requested by the competent, can never be a humanitarian act, for it attacks the distinctiveness and limitations of being human. Persons—ourselves and others—are not things to be discarded when they are no longer deemed useful.

We can give our life *for* another, but we cannot give ultimate authority over our life *to* another. The painfully learned moral wisdom of our heritage is that persons cannot "own" persons. The decision for euthanasia is not an exercise of human freedom but the abandonment of human freedom. To attempt to turn one's life into an object that is at the final disposition of another is to become less than human, while it places the other in a position of being more than human—a lord of life and death, a possessor of the personhood of others.

Human community and the entirety of civilization is premised upon a relationship of moral claims and duties between persons. Personhood has no meaning apart from life. If life is a thing that can be renounced or taken at will, the moral structure of human community, understood as a community of persons, is shattered. Whatever the intentions of their proponents, proposals for legalizing euthanasia must be seen not as a solution to discrete problems but as an assault upon the fundamental ideas undergirding the possibility of moral order. The alternative to that moral order is the lethal disorder of a brave new world in which killing is defined as caring, life is viewed as the enemy, and death is counted as a benefit to be bestowed.

Political Wisdom

"We hold these truths," the founders of our political community declared, and among the truths that our community has held is that the right to life is "unalienable." All human beings have an equal right to life bestowed by "Nature and Nature's God." Government is to recognize and respect that right; it does not bestow that right.

This unalienable right places a clear limit on the power of the state. Except when government exercises its duty to protect citizens against force and injustice, or when it punishes evildoers, it may not presume for itself an authority over human life. To claim that—apart from these exceptions—the state may authorize the killing even of consenting persons is to give state authority an ultimacy it has never had in our political tradition. Again, legalized euthanasia is an unprecedented extension of the license to kill. In the name of individual rights it undercuts the foundation of individual rights. An unalienable right cannot be alienated, it cannot be given away. Our political tradition has wisely recognized that government cannot authorize the alienation of a right it did not first bestow.

Institutional Wisdom

Legalized euthanasia would inevitably require the complicity of physicians. Members of the healing profession are asked to blur or erase the distinction between healing and killing. In our tradition, medical caregivers have understood this to be their calling: to cure when possible, to care always, never to kill. Legalized euthanasia would require a sweeping transformation of the meaning of medicine.

In a time when the medical profession is subjected to increasing criticism, when many people feel vulnerable before medical technology and practice, it would be foolhardy for our society to authorize physicians to kill. Euthanasia is not the way to respond to legitimate fears about medical technology and practice. It is unconscionable that the proponents of euthanasia exploit such fears. Such fears can be met and overcome by strongly reaffirming the distinction between killing and allowing to die—by making clear that useless and excessively burdensome treatment *can* be refused, while at the same time leaving no doubt that this society will neither authorize physicians to kill nor look the other way if they do.

Conclusion

This fourfold wisdom can be rejected only at our moral peril. By attending to these sources of wisdom, we can find our way back to a firmer understanding of

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the limits of human responsibility, and of the imperative to embrace compassionately those who suffer from illness and the fears associated with the end of life. Guided by this wisdom, we will not presume to eliminate a fellow human being, nor need we fear being abandoned in our suffering. The compact of rights, duties, and mutual trust that makes human community possible depends upon our continuing adherence to the precept, *Always to care, never to kill.* ⊡

Hadley Arkes, Amherst College
Matthew Berke, *First Things*
Midge Decter, Institute on Religion and Public Life
Rabbi Marc Gellman, Hebrew Union College
Robert George, Princeton University
Pastor Paul Hinlicky, *Lutheran Forum*
Russell Hittinger, Catholic University of America
The Rev. Robert Jenson, St. Olaf College
Gilbert Meilaender, Oberlin College
Father Richard John Neuhaus, Institute on Religion and Public Life
Rabbi David Novak, University of Virginia
James Nuechterlein, *First Things*
Max Stackhouse, Andover Newton Theological School

To the Professor—A Final Query

As you lie there
(bedridden, they say),
Dull eyes fixing on objects
deemed less than worthy of ordinary attention—
uneven surfaces,
hairline cracks in a painted wall,
sunlight moving hour by hour
across momentos of distant adventures—
Do you still travel the roads and seaways with
the belated apostle from Tarsus as he journeys across
the Empire?
Can you yet stand in the shadows with the young Athanasius,
hearing the Nicene elders pronounce on
the consubstantial Word?
Are thoughts of day-long colloquies at Cassiciacum
still blowing through your fevered mind like
an evening breeze?
Will your little room with the clean sheets and
the antiseptic smells expand to hold
a Dumb Ox pondering syllogisms spacious enough
to contain a universe,
an Augustinian monk daring to stand (*contra mundum*—Do you remember Athanasius?) before
the doctors gathered at Leipzig and Worms,
a gaunt young lawyer poring over sacred texts in
his Genevan study?
Do angels and archangels,
prophets, apostles, and martyrs,
all assembled as a great cloud of witnesses,
Greet you as you make your way beyond encroaching darkness
toward the Unapproachable Light?

Charles C. Twombly

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Review Essay

Rights and Wrongs About Rights

Robert A. Licht

RIGHTS TALK: THE IMPOVERISHMENT OF POLITICAL DISCOURSE. By MARY ANN GLENDON. *Free Press. 288 pp. $22.95.*

One of the dubious achievements of American legal philosophers and academicians concerned with "rights" is to have emptied jurisprudence of the element of prudence. Constitutional jurisprudence, both theoretical and practical, has become the instrument for fulfilling the postmodern vision of the truly free and morally autonomous individual. Of late, however, there has been a reassessment among liberal democratic intellectuals about the political and social consequences of the imperial self and its attendant jurisprudence and politics. Dissatisfied with the excessive, or "atomistic," individualism of rights-based liberalism, they have gathered together under the banner of "communitarianism," and have defined themselves, as a recent statement has it, as "a movement which recognizes that Americans have individual rights which entail responsibilities to the community. The community's moral voice, through democratic means, can help counter radical individualism."

There would thus appear to be a basis for liberal democrats to make common cause with social conservatives. One could imagine, for example, that the so-called "paleoconservatives" might discover some important political interests in common with the newly defined social democracy of the communitarians, and make a new alliance with them, if only they could be induced to part from their implicit "statism." The libertarian right might then break from the paleoconservatives, and, in the shock of recognition, make common cause with the descendants of the existential left. And the neoconservatives? Well, since marginal groups always exploit the differences, there is hope.

Mary Ann Glendon, a professor of law at Harvard, a scholar of comparative law and an astute observer of the interaction of law and changing social mores, has lent her name and her growing reputation to the communitarian movement; while maintaining a critical distance from the assault on liberal individualism in some communitarian thought, she is a co-editor and contributor to their new journal, *The Responsive Community: Rights and Responsibilities.*

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She is also a person of moderation and much good sense. Courage, too, because the task she has set herself in her new book is nothing less than to create an argument that might bring to a halt, and even reverse, the social and political entropy identified with radical individualism, and to which modern constitutional jurisprudence has substantially contributed. I do not believe her argument succeeds, but its failure should be measured by the extraordinary difficulty of the task and the nobility of its purpose.

There are three themes woven together by Professor Glendon: a thesis that there is a peculiarly American "dialect" of "rights-talk"; an examination of the jurisprudential use of this dialect and its harmful social and political consequences; and a comparative study of the jurisprudence and social policy of other liberal democracies. Permit me a medical analogy: the harmful consequences of our "rights talk" is the pathology; the origin and evolution of the "dialect" is the aetiology of the disease; and the comparative legal study is the therapy. Whether the therapy leads to a cure, or is symptomatic relief at best, very much depends on understanding the cause—the aetiology—of the disease. But it is best to begin with the diagnosis.

The American devotion to individual rights has led, in Professor Glendon's view, to the phenomenon of "the lone rights bearer." The right to privacy evolved from a right of marital relations into an absolute individual right as it was understood in *Roe v. Wade.* Norma McCorvey, the "Roe" of the case,

> won the right that had been understood from its earliest appearance in the American legal system as "the right to be let alone." And let alone she was. No one . . . had been willing to help her either to have the abortion she desired, or to keep and raise the child who was eventually born.

The fetus, however, if an individual, had no rights, because, in the words of Justice Blackmun, "the word 'person,' as used in the Fourteenth Amendment, does not include the unborn."

In U.S. law, abortion is thus the "pitting of two interests against each other in an all-or-nothing contest: the right to life of the fetus against the pregnant woman's right to privacy and self-determination."

By contrast, the (then) West German Court's ap-

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proach refused to decide between the two extremes. Following the West German Basic Law of 1949, which "made respect for and protection of 'human dignity' the foremost duty of the state, . . . the protection of human life . . . had to be given priority over personality rights." Moreover, "personality rights"—"that inner sphere of personality which is in principle subject only to the free determination of the individual," in the language of the German Court—had to be limited by " 'the rights of others,' the 'constitutional order,' and 'the moral code.' "

As regards abortion, the German Court's view of the principle of human dignity, in Professor Glendon's words, "does not mean that important interests of women can be ignored." The protection of the developing life of the fetus was not to be protected by criminal sanctions, but by "educational efforts and social assistance to pregnant women." The Court permitted the legislature, "within broad limits," to create a "system to regulate the termination of pregnancy." Women could not unreasonably be required to carry a pregnancy to term. More importantly, there is a social welfare system in place to support women, including single mothers, during and after pregnancy. Indeed, the systems in place in Western Europe "are meant to reduce the occasions where abortion will be considered necessary."

In Professor Glendon's view, the jurisprudence of the German Court, together with the enlightened social welfare system, are more rational and socially responsible ways of dealing with the problems of individual rights, because the individual is not simply a "lone rights bearer."

Another pathology caused by the American emphasis on absolute individual rights is "our habitual silence concerning responsibilities." Although the law is replete with responsibilities, nevertheless the Anglo-American tradition of tort law is at bottom hostile to the notion of basic moral responsibility to other individuals or to the community.

> Buried deep in our rights dialect is an unexpressed premise that we roam at large in a land of strangers, where we presumptively have no obligations toward others except to avoid the active infliction of harm. This legalistic assumption is one that fits poorly with the American tradition of generosity toward the stranger, as well as with the trend in our history to expand the concept of the community for which we accept common responsibility.

Beyond individual responsibility to help there is a public expectation that government has a "duty" to help. But this popular perception of the Constitution also is in tension with the legal understanding. In cases, for example, of public officials failing to come to the assistance of individuals in need, the courts have held that the Constitution, in Judge Richard Posner's terms, "is a charter of negative rather than positive liberties." Justice Rehnquist has written that "the Due Process clauses generally confer no affirmative right to governmental aid."

It would have been better, according to Professor Glendon, had the courts emphasized those federal and state statutes by which the polity is committed "to a vast array of affirmative governmental obligations." They are "constitution-like in character," and commit the nation to a program of "positive rights." Had the courts followed this approach, it would have helped to "bring together the two halves of the divided American political soul," that is, the commitment, on the one hand, to limited government, and, on the other, the protection of "the weak and helpless."

There is no *substantive* difference, Glendon believes, between the European social democracies and the American liberal democracy when one considers the social welfare statutes enacted here beginning in the 1930s. The difference lies in our public rhetoric with its emphasis on individual rights, whereas the European practice is "to keep responsibilities—of citizens and the state alike—prominently in view, along with rights."

> In democratic regimes, highly visible acknowledgements of governmental obligations to come to the aid of citizens in need . . . can help to promote responsiveness and responsibility in the political process.

Another consequence of the American dialect's promotion of the individual as "radically autonomous" is "our underdeveloped notion of human sociality." Here I believe Professor Glendon's work to be especially welcome for its forceful reminder that the price we have paid for the exclusive focus on individual rights is a blindness to the most important questions.

> Neglect of the social dimension of personhood has made it extremely difficult for us to develop an adequate conceptual apparatus for taking into account the sorts of groups within which human character, competence, and capacity for citizenship are formed. In a society where the seedbeds of civic virtue—families, neighborhoods, religious associations, and other communities—can no longer be taken for granted, this is no trifling matter.

But our political and legal language only speaks in terms of economic interests and individual rights. For example, we readily break up communities in the name of economic incentives, as in Poletown, outside of Detroit. The loss that community suffered—of neighborhood life, "shared memories and hopes; roots; a sense of place"—had no resonance in either the halls

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of the legislature or a court of law.

By contrast, in Western Europe there is an acknowledgement of "the long-term interest in maintaining the conditions that promote family life, community life, and a productive work force."

But the neglected heart of developing sociality is the nurturing of children, a topic that Professor Glendon addressed in depth in her previous book, *Abortion and Divorce in Western Law: American Failures, European Challenges*. Changing economics and social mores have made obsolescent the traditional conservative view, which dominated the law until recently, of the family as the "basic social unit," with "husband-breadwinner and wife-homemaker." But how preferable is the view on the left, that the traditional family is "patriarchal" and oppressive of women, and where the individual is the basic social unit?

What is lost sight of in this "war over the family" is the fact that society's basic interest is in the children, not in the definition of the family, and here our "individual rights-laden language" makes us blind to this public interest. Again: "European laws and policies, by contrast, routinely distinguish . . . between households that are engaged in child-rearing and other types of living arrangements." In the U.S. we seem to be indifferent to the lessons of history that the development of character—that is nurture and education—is vital to maintaining democratic institutions, and we ignore the vital connection between character and citizenship.

> Where do citizens acquire the capacity to care about the common good? Where do people learn to view others with respect and concern? . . . Where does a boy or girl develop the healthy independence of mind and self-confidence to participate effectively in government and exercise responsible leadership?

We require, in Glendon's view, "a shift from family *policy* to family ecology." Child raising is not "just one more 'life-style' . . . to which the state must be 'neutral.' "

> Because individuals are partly constituted in and through relationships with others, a liberal politics dedicated to full and free human development cannot afford to ignore the settings that are most conducive to the fulfillment of that ideal.

Glendon here does not simply refer us to European practices, but observes that recently we have begun to recognize that nongovernmental community-based groups such as religious institutions play an essential mediating role between government and society. Of course, because of the reigning "wall of separation" doctrine, it was predictable that this would be challenged in the courts, but the recent court ruling regarding the Adolescent Family Life Act was a refreshing departure from the "checkered pattern of church-state decisions over the past forty years."

It is clear that Professor Glendon's recipe for moderation is not a return to American first principles, if that means returning to an "eighteenth-century charter" of individual rights over and against government. The restoration of moderation is a return, but only from the present-day excesses of rights talk back to the golden age of liberal social policy beginning with FDR. It also requires a turn to a constitutional jurisprudence that is more respectful of—or at least is willing to consult—the Romano-Germanic, and is more critical of the Anglo-American, legal traditions.

Quite apart from whether this approach to recovering moderation is desirable, what makes it intellectually feasible? For Professor Glendon it seems to be a clear devaluing of the principles of the Constitution, such that it appears they are not adequate to the present-day task of governing ourselves, indeed may be responsible for the social ills we all deplore. Although Professor Glendon does not understand herself to be an enemy of rights-based liberalism, nevertheless her portrayal of that liberalism seriously undermines her purpose. It is necessary then to turn to the aetiology of the disease, namely Professor Glendon's attack on "rights absolutism."

From the earliest times of the Republic the American habit of using legal language has tended to absolutize rights, nowhere more perniciously than in the exaggerated rhetoric of property rights. This rhetoric, however, is clearly in conflict with the reality. From at least the *Charles River Bridge* case of 1837, property rights "were not, and could not be, absolute." Nonetheless, the Supreme Court had an ardent love affair with "freedom of contract" jurisprudence in the latter part of the nineteenth and first decades of the twentieth centuries, until the shift, in the 1930s, to subordinate property rights to "public purposes."

This tendency to exaggerate property rights is traced by Professor Glendon to what she calls "the property paradigm" of John Locke. Locke, according to Professor Glendon, in regard to the right to property and its basis in a "state of nature," is but a "storyteller." His assertion that a person has "proprietorship" in his own body is undemonstrated. Europeans find it odd because, in their legal tradition, "a human body is not subject to ownership by anyone." The state of nature is "imaginary," and the "most fateful move" in Locke's account is to have argued that "the essential reason human beings submit to government is to safeguard their property." Locke's purpose, however, in the *Second Treatise* "was to delegitimate the monarchy . . . and to buttress the political power of both the landed gentry and the rising merchant

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classes." Therefore it "is in many ways more like a 'lawyer's brief' than a learned tract." "Property" was a way of opposing the "divine rights" of monarchy because it was appealing in a seventeenth-century agrarian England. According to Professor Glendon, Locke is not a guide to the permanent and enduring condition of mankind, but only to the history of his age.

Glendon clearly prefers what she calls "the paradigm of inherent limits," or the European version of liberalism built on a foundation of "Rousseauean rhetoric, classical notions of virtue, and feudal vestiges" that has "subdued the thrust of property rights toward absoluteness." In Glendon's view, the European tradition of rights, particularly in the constitutions written after World War II, is moderate compared to the Anglo-American tradition.

> It is a striking feature of these postwar constitutions . . . that few of the rights they establish are presented in such a way as to lend themselves to the interpretation that they are absolute.

Property, in the European context, reaches back to the biblical tradition and "the idea of stewardship of property as inherently entailing obligations, and of subsistence needs as taking precedence over property rights."

Glendon's preference for Rousseau over Locke is a most important clue to her thought about—and critical view of—the Anglo-American tradition. Rousseau's thought "prevented exaggerated notions of property from dominating the development of rights ideas there."

> Arguably, the most important contribution of Rousseau to modern European political discourse was to keep alive classical and biblical treatments of great perennial issues. True, these remained only subthemes and countercurrents, but they were strong enough to keep European liberalism in dialogue with Athens and Jerusalem.

If it is true that Rousseau kept alive the classical tradition of virtue and the Bible, however, it was virtue without reason and the Bible without God. Moreover, Glendon passes over in silence Rousseau's contribution to that peculiarly European phenomenon, totalitarian democracy. Glendon is not uncritical of Rousseau, particularly the tradition of the isolated and free individual that originated with him. Glendon acknowledges the line of development from Rousseau to Kant as regards the idea of moral autonomy, to which she adds, illogically and unhistorically, the *homo economicus* of Adam Smith. But she deprives herself of one of the causes of the present-day pathology by not tracing the line of descent through to its end in the acid-bath of Nietzsche, which etched away the circuits of ethical reasoning in that little god within, the self, leaving behind only a nubbin of pure, radioactive will.

Finally, Rousseau's teaching of human nature as unfixed and infinitely self-creative legitimized irrational historicism. Glendon, regrettably, is the unreflective heir to this tradition in her historicizing interpretation of Locke.

But it is her assault on the right to property that is perhaps the most misguided of Glendon's stratagems, since it undermines her own quest to restore the idea of responsibility. Although Glendon considers Locke's premise that everyone has a property in his own person to be undemonstrated, in truth it functions as an axiom. The European legal tradition, as Glendon points out, holds that no one owns his own person. But which tradition is preferable with a view to individual liberty? Locke understands a truth about "ownerless" property: it will be appropriated by someone. There is no reason why this should not be true about other human beings; if they are "ownerless" there is no barrier in principle to "owning" them. The right to *liberty* is crucially dependent on having a property in one's own person; one cannot be owned by another.

Again, Glendon believes that the fact that property is regulated shows that the right to it is not "absolute." But all natural rights become limited when they are transformed into civil rights: otherwise we could not secure them. Glendon does not see this in part because she is persuaded that the "state of nature" in Locke is "imaginary." Robert Goldwin, in his persuasive reading of Locke, however, has shown that the "state of nature" is neither myth, history, or fiction: "We see that the state of nature exists in two ways consistent with the existence of civil society: in the relations of independent political communities and, within a political community, in the relations of criminals and their victims."

The State of Nature is not the mythical original condition of mankind, but a permanent and enduring condition; it exists *within* civil society wherever men do not have a "common judge with authority." Bernhard Goetz, and many others, have understood this instinctively when riding the New York City subways.

The fact is, to make the argument showing the necessity of responsibility, Glendon should be more friendly to absolute rights, properly understood. Glendon does not see that "absolute" is equivocal. There are two senses of the term: as "principle" or unconditioned condition from which certain consequences must flow; and as arbitrary or willful. Property is a right in the former sense, while the Millsean right to do as I please as long as I do not harm others is absolute in the latter sense. Similarly with the civil right of free speech. When it was separated from the

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exercise of political discourse and became an "absolute" right, in the sense of arbitrary and willful free self-expression, precisely what was lost was the idea of responsibility. This suggests that the abandonment of the distinction between natural and civil rights has had the unfortunate consequence of making all rights appear to be equally "absolute." Were all rights equally absolute, then indeed Glendon must be correct about the consequences for responsibility. But where *no* rights are absolute, then the ground of responsibility is also lost.

Finally, of course, there is that greatest and most absolute of all natural rights, the right to life. The German Court upheld the protection of the life of the fetus on the grounds of "human dignity." I wonder whether "human dignity" is superior to the unadorned "right to life." Of course, one should not speak against "human dignity," but it is nonetheless useful to point out that the Bible has *two* accounts of the creation of man, in only one of which is he said to be in the "image of God." Although there is a component of dignity that is unconditional, there is another that very much depends on law, character, and custom. That is to say that after we speak of human dignity in its unconditional sense, we must also speak of human depravity and thereby point out the sense in which dignity is also something to acquire and to forfeit. By comparison the unadorned natural right to life may be preferable as a political foundation for acquiring human dignity precisely because, in its precariousness, the *necessity* for "civil society" is revealed. The concern not shown for the fetus by the Supreme Court in *Roe v. Wade* is ample evidence for the precariousness of the right to life, and it reminds us that the "state of nature" is a permanent condition even within civil society, even within the sacred precincts of the law. If neither the justices nor the mother speak for the fetus, it is indeed in a "state of nature" lacking "a common judge with authority."

Glendon also conflates responsibility with "duty." A duty is an obligation to some higher, presumably nonselfish, purpose. I may have a religious duty to give charity; what *binds* me to my duty is my faith. Faith, however, may waver. Responsibility, on the other hand, is a democratic virtue tied to interest. This is not a terribly recondite thought: I own a house, maintain it, pay the taxes, and vote, and see that my neighbors take care of their property. This is to be *answerable* to others, responsible for my actions, but is not to answer the call of duty. What is true of property, according to Locke, is also true of the right to life: I am obliged to seek to preserve the life of all as a means to preserving my own.

Professor Glendon believes that "the state" must actively affirm its duties to the weak and helpless in order to demonstrate to its citizens their civic duties. Quite the contrary seems to be true. The social welfare state is responsible for the creation of rights as entitlements. Such entitlements, in the U.S., have developed their own interest groups which see government not as "polity" but as "the state," and regard the process of politics as dividing the public resources according to their respective entitlements. Here we see, with regard to managing the economic health of the nation, that the "duties" of government have corrupted the *responsibilities* of those who govern.

What is important about citizenship in American constitutional democracy is not its "duties," but its *habits*. They are not habits of the heart, but of the head. The primary habit is deferring to majority rule. Its basis is the confidence that majorities, in principle, because they are "constituted," are temporary, and that on some issue or other, but not on all, everyone may hope to be a member of a majority. This is the modern version of Aristotle's formula that citizenship above all is knowing how to rule and be ruled in turn.

And what about Professor Glendon's remedy? Can her prescription for appellate jurisprudence work? "Our rights jurisprudence could only benefit if American judges and lawyers in difficult and novel cases followed the practice . . . of examining important decisions of leading courts elsewhere."

While I agree with Professor Glendon about the pernicious influence of rights talk, we disagree about its causes and its cure. I much prefer Justice Scalia's dissent, quoted by Professor Glendon, that "We must never forget that it is a Constitution of the United States of America that we are expounding," but I confess that in the end I do not have much confidence in constitutional jurisprudence. One consequence, it seems to me, of requiring of the Court a wisdom about "rights" beyond that of the Framers is that it undermines the habits of citizenship that rely on the confidence of the people in constitutional majorities. I modestly suggest, therefore, a rule of prudence to be applied to constitutional jurisprudence: A Justice should always consider, when deciding "a novel and difficult case," whether the outcome will increase or diminish the ability of the people to govern themselves by the mechanisms laid down in the Constitution. This very likely would mean subordinating the intractable questions of individual right, insofar as they reflect changing social mores, to the political process. True, the tyranny of the majority is the intrinsic danger in a democracy, but the tyranny of pernicious ideas, tricked out in the language of rights, it seems to me, is far worse than having to abide by the rule of constitutional majorities. FT

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Books In Review

The Earnest Methodist

Bishop G. Bromley Oxnam: Paladin of Liberal Protestantism. By Robert Moats Miller. *Abingdon Press. 624 pp. $29.95.*

Reviewed by **Richard Brookhiser**

Garfield Bromley Oxnam (1891-1963) was a bishop of the Methodist Church, and a cover subject of *Time*, though it's hard to imagine the two going together today. Billy Graham can fill the Sheep Meadow of Central Park with listeners, and John Cardinal O'Connor can fill Fifth Avenue in front of St. Patrick's Cathedral with protestors. But the Methodists, though they are still the third largest church in America after Roman Catholics and Southern Baptists, are simply off the map as far as the country's attention is concerned. Robert Moats Miller's biography of Bishop Oxnam helps us understand why.

Miller, a professor of history at the University of North Carolina, has written the biographies of other Protestant churchmen, and familiarity has bred, if not contempt, a querulousness that is a welcome relief from the earnest tone of clerical life. Oxnam was destined to such a life at birth. His father, a mine-owner, built chapels for his mining camps; his mother was a charter member of the Women's Christian Temperance Union. Bromley pledged himself to be a minister at a revival meeting when he was seventeen. The Methodists gave him his preacher's license, and by 1936 he was elected bishop, the youngest in the church's history. He kept at it until Parkinson's disease forced him to retire in 1960. Along the way, he was a prime mover in the Federal (later National) Council of Churches and Americans for Democratic Action, a supporter of FDR and Truman, and a friend of John Foster Dulles.

Oxnam was known as a liberal churchman, which, in his day, did not necessarily mean that he was a clone of Bishop John Spong. The modern schism between liberal and conservative Protestants manifests itself in three areas: morals, theology, and social action.

Oxnam lived before liberal Protestants went over the top on the Seventh Commandment. He wrote about sex with a pre-Freudian innocence that is as amusing to read as it is impossible to share. "I could look at a nude woman, and think of her as an expression of God's beauty," he confided to his diary, "but to look upon a woman who

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tantalizes you with her charms... can only serve to lower her in my estimation and arouse that which I strive to keep down." During his tenure as president of DePauw University, Oxnam reluctantly allowed dancing. "There ought to be fifty-seven things to do at a party besides dance," he told the student who first raised the issue. Such as? the student asked. "One could discuss the peace movement," Oxnam replied.

THEOLOGICALLY, Oxnam was a liberal by default, since he barely thought of theology at all. Doctrinal discussions bored and annoyed him. He compared them to "one monkey with a mirror flashing it in the eyes of another."

But on the third great dividing issue of the Protestant schism, the religious significance of social reform, Oxnam was an archetypal liberal. The turning point for him, as for many of his generation, was Walter Rauschenbusch's *Christianity and the Social Crisis*, which Oxnam read in college. "Someday," he wrote soon afterwards, "I am going to help lead the church against the slums, their causes, etc. and smash them forever." The slums lasted, but so did his determination to smash them. Slums, he believed, were caused by unchecked capitalism. Though he was never a fellow traveler in the manner of his fellow Methodist Harry F. Ward, he criticized the industrial order as "unchristian, unethical, and anti-social," because it was based on "a direct appeal to selfishness." As the years passed, his concerns became global as he called, fifty years before George Bush, for a New World Order under the leadership of the United Nations, which would in turn be inspired by the example of the United States. "In international cooperation Old Glory will win New Glory."

What was liberal about these goals was not just their content, but the degree to which they monopolized Oxnam's life. He thought of the pursuit of slum clearance and peace, not as consequences of Christian belief, or even as Christian duties, but as the substance of Christianity. "It is the khaki of the Christ way of service that wins battles for the King."

Because Oxnam was not a thinker, when other people advanced different goals, he reacted with incredulous scorn. He tussled with Catholics all his life, equating "directives from Rome" with "directives from Moscow." (Some of his Catholic opponents were no mean street-fighters themselves; Cardinal Spellman called anti-Catholic liberals "unhooded klansmen.") In one of his last major addresses, Oxnam foresaw an Interplanetary Conference on Religious Faith, adding that "fundamentalism and papal infallibility will have no place" there, though Martians would.

EVEN WHEN Oxnam's labors met with agreement from fellow Protestants, or from the politicians he supported, the results of his endless activities seem surprisingly slight now. The Methodist Crusade for a New World Order was a years-long effort, involving hundreds of meetings, millions of pieces of mail, and posters designed by Howard Chandler Christy, an artist most remembered today for his depictions of what Oxnam would have called "nude women." When it was done, Methodists congratulated themselves on their role in bringing the UN into existence. Yet, despite years of reading books about the end of World War II and the start of the Cold War, this is the first time I have heard of the Crusade.

Oxnam's relationship with John Foster Dulles, his only trans-ideological friendship, was played in a similar key. Dulles and Oxnam got along personally, and Dulles was himself a Presbyterian layman active in the Federal Council of Churches who shared Oxnam's hopes for a new world order. Yet when Dulles became Secretary of State, he kept his own counsel, not the bishop's. "Oxnam's hunger to be recognized by Washington's power elite," writes Miller, "would be risible if it were not so poignant." The religion clause of the First Amendment, it is clear, not only saves citizens from the domination of uncongenial faiths, it spares churches the frustrations and embarrassments of courting the powerful.

It also spares them from unkind turns of the wheel of history; unless, like Oxnam's Methodists, they look for trouble. If all you want to do is change the world, what do you do when the world changes (mostly in ways you didn't anticipate)? G. Bromley Oxnam couldn't have said, and neither could his church, which is one reason why he is history, and it is no longer news.

Church and World in Christian Antiquity

THE END OF ANCIENT CHRISTIANITY. By ROBERT MARKUS. *Cambridge University Press. 258 pp. $49.50 cloth, $12.95 paper.*

Reviewed by **Robert L. Wilken**

IN FOURTH-CENTURY Syria John Chrysostom complained that when a Christian couple was married a priest was not allowed to bless the union. Like many of the institutions and customs of the ancient world, the wedding ceremony was slow to welcome the influence of the new religion. In Chrysostom's day there were no Christian schools, Christian art was in its infancy, Christian poetry was just beginning, and the pagan calendar continued to set the rhythm of public life. Only slowly was Christianity able to put its mark on the life of society.

In this new book, Robert Markus—whose earlier work, *Saeculum*, a study of St. Augustine's political and social views, is still the best discussion of the topic in

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English—surveys the history of Christianity in the West from the time of John Chrysostom and Augustine (ca. 400) to the time of Gregory the Great (ca. 600). His intellectual agenda, however, is wider. The book is a historical examination of the shifting bounds of "sacred" and "secular" in late antiquity, which is to say the relation between the community of the church and the larger society, and the nature of the changes that transformed the Christian world in the West after the breakup of the western empire. Like Markus' earlier book, this is a work of great learning and sophistication, based on a fresh reading of a wide array of sources, and at the same time it is sensitive to theological questions.

"I shall be primarily concerned," writes Markus, "with the manner in which Late Roman Christians, lay and clerical, drew the line which distinguished what they would have seen as their 'religion' from the rest of their activity and experience, their 'secular' lives and its setting. . . ." The book itself is less tidy than this suggests. Although Markus' professed aim is to locate the boundaries of the new faith, a number of other agendas keep intruding into the discussion, and it is not always clear how they contribute to the central theme of the book. At the same time, Markus is so conversant with the sources, and turns up such interesting material, that the book is a pleasure to read irrespective of whether the argument is always kept in focus.

For example, the first chapter begins with a welcome polemic against "prejudices about early Christianity encouraged by the Reformation." One of these prejudices was that the institutions of the early church made the holy distant and remote. Against this view Markus offers a brief discussion of the meaning of the "communion of saints" in Christian antiquity. "Can any of the faithful doubt," wrote Gregory the Great, "that at the hour of the [eucharistic] sacrifice the heavens open at the priest's calling, that in this mystery of Jesus Christ the choirs of angels are present, the heights joined to the depth, earth linked with heaven, the visible united with the invisible?" So real were the angels that monks were told to turn aside if they had to spit lest they spit on the angels who stood before them. In holy places, in relics, in prayers to the saints, and in the ministry of angels, the divine was present "like a huge electric charge waiting to break through the cloud. . . ." The church lived always in the company of a larger invisible community.

ANOTHER subsidiary theme, one which occupies the first main section of the book, is how Christian notions of perfection changed from the age of the martyrs to the time when Christianity was becoming the majority religion in the Roman Empire. Here Markus traverses familiar terrain, but as always he turns up lively passages to illustrate his point. In the early period, baptism was thought to require a radical break with the past ("be ye perfect"), but Augustine came to view it as the beginning of a "lifelong process of convalescence." "A man of good works who acts from the faith which works through love, who indulges his incontinence within the decent bounds of marriage, who both exacts and renders the debt of the flesh and sleeps with his wife—though only with his wife!—and does so not only for the sake of bringing forth offspring, but even for sheer pleasure . . . who will put up with wrongs done to him with less than complete patience, but burn with angry desire for revenge . . . who guards what he possesses and gives alms, though not very generously, who does not take another's goods but defends his own in a court of law—ecclesiastical, not civil," such a person "on account of his right faith in God . . . acknowledging his own ignominy and giving the glory to God" will depart this life and be received into the company of the saints destined to reign with Christ. Against the notion that the church was an elite moral community, Augustine developed a "deepened sense of community with the half-educated, the superstitious and the sensual Christians of Hippo, and a poignant remorse for his brash hauteur."

As interesting as these topics are, they are tangential to the main theme, and that is what Markus calls the "desecularization" of public life in the later Roman Empire and the creation of a narrowly scriptural culture by ascetic bishops by the end of the sixth century. For most of its early history Christianity existed within an old established culture of language, literature, civic institutions, calendar, art, public space, in short all that was necessary for civilized life. These things were already in place when Christianity began to make its way in the cities of the Roman Empire, and one of the great themes of early Christian history is how Christians learned to negotiate this world. The problem was particularly acute in the early centuries because culture could not be easily divorced from religion. At every turn, whether in the schools, in the military, in politics, in civic buildings, in public amusements, or in the markets, it was difficult to be a citizen without being touched by religion.

By the end of the fourth century, however, according to Markus, much of the traditional culture had been emptied of its religious content. His chief examples come from

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the *spectacula*, the shows, races, games, and other public amusements, and from the calendar, e.g., the celebration of the new year or the Lupercalia, a riotous Roman festival celebrated in February in which a dog and goats were sacrificed and young men ran through the streets clad in the animals' skins. Though the clergy did not approve of the *spectacula* or festivals such as the Lupercalia, they did not forbid the faithful from participating in them. "These things," wrote Augustine, "are to be tolerated not loved." Christian leaders opposed the atmosphere of sensuality and license, not the religious content, of public amusements. Such amusements were, in Markus' language, secular.

In the fourth and early-fifth century bishops were tolerant and flexible in drawing the boundaries between the church and the larger society, tacitly acknowledging the need for a "secular" realm alongside the distinctively religious world. This strategy worked well in the civilized urban society of the Roman world. In the following centuries, however, Christian leaders had a narrower view of what it meant to be a Christian. One reason was that the ascetic movement had invaded the hierarchy. Monasticism had begun as a lay movement in the desert independent of the clergy, but now found a home in the city and began to impose on the bishops norms of conduct suitable for monks. By the end of the fifth century the lines between the monks and the clergy were blurred.

A SECOND REASON for the change in outlook was that the new peoples of the north did not possess the civic and cultural institutions that were taken for granted in the Roman Empire. A good illustration is Cassiodorus, a monk who lived in Italy in the sixth century. In his last work, written when he was ninety years old, he was not concerned, as earlier Christian thinkers had been, about the influence of pagan ideas on Christians through the reading of classical literature; he wanted to make sure his monks could read at all. Hence he wrote a book on spelling. "I have taught you, among other things, in a summary manner, the importance of correct spelling and punctuation, universally acknowledged to be a precious thing. . . ." His purpose in teaching spelling, however, was not to give his monks access to the literary and philosophical tradition, but to make it possible for them to read the Holy Scriptures, thereby creating a monastic culture centered on the study of the Scriptures.

The combination of these two factors, the movement of asceticism from the desert to the chancery and the absence of a literate cultural tradition among the peoples of Europe, led, in Markus' view, to a narrowing of the horizon of Christian thought and imagination. Cassiodorus constricted the "sphere of Christian discourse" by centering his educational program on an "exclusively scriptural culture." Church canons prohibited the reading of works of secular literature, and Christian leaders sought to root out any remnants of pagan customs. "Christian culture in the early medieval centuries became essentially and radically biblical in a way it had not been before."

There is no question that the Christian culture being created in northern Europe was different from the urban civilization of the Roman Empire. Yet I am uneasy with the categories Markus imposes on his material. The chief culprit is the term "secular." Markus wants to use "secular" to designate those areas of life that are not of direct religious significance, e.g., education, language, literature, art, and public amusements. Yet, even if such things as the *spectacula* or the Lupercalia were largely indifferent to religion in the fourth century, that hardly means that Roman society found space for a "secular" realm.

One of the first acts of emperor Julian the Apostate (d. 363) was to prohibit Christians from teaching literature in the schools. Why, he asked, should Christians be allowed to teach "what they do not believe in"? He knew well that when a child began to read the Iliad the schoolmaster asked: "Which gods were favorable to the Trojans?" To which the youngster would reply: "Aphrodite, Apollo, Ares, Artemis, Leto, Scamandor." Already in the fourth century a Syrian church order included the injunction: "Have nothing to do with pagan books."

BASIL THE GREAT, one of the most cultured Christians of the fourth century, wrote a little treatise to youngsters on "how they might profit from Greek literature." He realized that young Christians had to learn to write and speak correctly, hence he advocated the study of Greek literature, but he had no doubt that reading it was risky business. If Basil had his way he would have preferred that they learn what is needful "from our own literature," but Christian literature was a paltry resource against the riches of Greek antiquity.

At the time of Augustine and John Chrysostom, Christian intellectuals realized they could not readily dispense with the civic traditions that made civilized life possible. These were all they had and they were known to work. Even when bishops had reservations, they were indulgent because they had nothing to put in their place. At the same time Christians were creating their own public space through liturgy, holy days, holy places, customs, literature (the letters and treatises of bishops), poetry (hymns), and of course ideas. When the time was opportune they gradually filled the old forms with a new content: the calendar, by adding Christian holidays; art, by adapting classical interior space; literature, by replacing the lives of statesmen and philosophers with the lives of holy men and women.

In sixth-century society in northern Europe, however, the church was not part of a literate, civic culture. There were no schools, and

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a provincial who wished to go to the theater had to travel to Rome or Ravenna. In this setting I do not see that the attempt to establish a scriptural culture based on grammar and spelling was "self-limiting," especially when one considers to what other uses these skills could be put and would be put in the centuries that followed, not least in preserving the literature of classical antiquity. Though the intellectual energies of Cassiodorus and others of his generation were given over to more elementary tasks than those of Augustine or Gregory of Nazianzus, that does not mean they were to have less cultural significance. The study of grammar, even at the service solely of reading the Scriptures, laid the foundations for a new Christian culture that would eventually rival the "secular" culture of ancient Rome.

In the midst of all this historical discussion of civic festivals and ascetic bishops, there lurks a deeper argument about church and society. For Markus, Augustine's tolerance of Rome's civic festivals was not simply pragmatic; it pointed to a neutral secular space that can promote the "coherence of wills" that is necessary for any healthy society. The phrase "coherence of wills" is taken from a famous passage in Book 19 of the *City of God* where Augustine argued that the Heavenly City does not abolish those customs and laws and institutions by which earthly peace is achieved. Markus wants to use Augustine to defend a neutral secular space for the cultivation of the "arts of civilization," as he put it in his earlier book. For Augustine, however, a neutral secular space could only be a society without God, subject to the *libido dominandi*, the lust for power. He was convinced that even in this fallen world there can be no genuine peace unless society is ruled by those who acknowledge the one supreme God.

Evangelism's Premier Prophet

A Prophet with Honor: The Billy Graham Story. By William Martin. *William Morrow. 735 pp. $25.*

Reviewed by **Quentin J. Schultze**

The title of this fascinating biography of Billy Graham sets the theme and tone of the entire book: Graham is not a charlatan, a demagogue, or marketeer, but ultimately an honest proponent and worldwide symbol of the New Evangelicalism that emerged in the United States after World War II. The Jim Bakkers and Jimmy Swaggarts may have been popular in their heydays, but no TV preachers will have the lasting, positive impact of Graham, whose honest simplicity overshadowed the rest of the broadcast flock.

It is a cogently argued thesis that author William Martin obviously delights in telling through one anecdote after another. And few writers could have done a better job. For one thing, Martin's graceful prose, deep religious sensibilities, and fair-mindedness shine through the tale. For another, Graham asked Martin to write the biography and opened many doors for the author. Much of the material in the last half of this thorough study is based on personal interviews and archival sources that are not available to the general scholar. Martin insists that he had complete editorial control, however, and the critical nature of some of the text suggests this must have been the case.

Graham was raised in a fundamentalist-Baptist culture. He attended Bob Jones University for a while, but soon transferred to Florida Bible Institute, where he was not a great student but almost universally liked for his humility and enthusiasm. He admired the eloquent pastors and radio preachers who passed through the campus and harbored great self-doubt that he ever could became a successful evangelist.

Almost from the beginning, however, Graham's simple, direct preaching style elicited responses to his calls to conversion. In fact, some of Graham's colleagues still wonder exactly what it is about Graham's style that hooks people. The best guess—apart from divine grace—is the evangelist's transparency before an audience; he rarely comes across as disingenuous or boastful. What you see and hear is what you get. Graham spent less than two years as a local church pastor before joining Youth for Christ, which sent him all over the country as a speaker to increasingly large youth rallies during the 1940s.

During that time he honed his preaching style and repeatedly recommitted his life to Christ. Ironically, Graham's life is portrayed almost in Methodist terms as the preacher's holy sanctification. While he becomes a more effective evangelist he also exhibits more and more the fruits of the spirit. As Martin sees it, this separates him from the intolerance of the hyperconservative fundamentalists, on the one hand, and the liberal, apostate culture on the other. The changes over the years in Graham's attitudes toward a host of issues, from Roman Catholicism to militarism, are well documented by Martin.

Martin does not solve the puzzle of exactly why William Randolph Hearst gave the well-known order to "puff" Graham during the Los Angeles crusade of 1949. But he agrees that afterward Graham truly became a national, and eventually international, religious figure—what some have called a Protestant pope.

Readers will grow weary at times of Martin's repeated descriptions of the workings of each major crusade, but the detail builds an interesting picture of how the Billy Graham

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Evangelistic Association became a "revival machine" of remarkable efficiency and effectiveness. The televised sermons are only a small fraction of what Graham & Co. have done over the years.

Martin's criticisms of Graham are implicit in the revealing sections on the preacher's political alliances. Certainly for the sake of expanding the Graham ministry, and perhaps for ego satisfaction as well, the evangelist worked whatever side of the political fence seemed most productive at the time. This was true domestically as well as internationally, and Graham's story illustrates how practical opportunity can shape a religious organization's implicit political ideology.

Graham's political alliances, covered in remarkable detail through oral history tapes and more recent interviews, have been far more complex and wide-ranging than most readers of the popular press could imagine. Graham was very close to both Richard Nixon and Lyndon Johnson, despite the great differences between the two Presidents. Martin demonstrates how the Nixon White House used Graham for its own political advantage. Earlier than that, Graham almost had a shot at turning around the election of John F. Kennedy in 1960 when he wrote a pro-Nixon piece for Henry Luce's *Time* magazine. Fortunately for Graham, he thought better of the idea and was able to get the piece pulled at the last minute; the article praised the Republican candidate for his integrity—a message that might not have set well years later when the Watergate tapes showed a very different side of the man that Graham thought he knew.

READERS will likely be surprised to learn of the incredible efforts made to persuade Communist governments to permit Graham to enter and preach in their countries. In 1977, through the diligent efforts of a Hungarian-American supporter, Graham & Co. essentially arranged a *quid pro quo* with government officials on both sides to get the evangelist into Hungary. Hungary wanted "most-favored nation status" and the return of the country's Crown of St. Stephen from the U.S., which the latter refused to give to the Soviet puppet government that took over in Hungary after the war.

Similarly, Martin shows in careful detail how Graham's later visit to the U.S.S.R., under the auspices of a Soviet-sponsored peace conference, was painstakingly negotiated through and around government officials in the U.S., including the State Department, which was opposed to Graham's participation out of reasonable fears that the Soviets would derive propaganda value from the visit.

During Graham's Soviet trip some citizens boldly protested the persecution and imprisonment of religious workers. Probably to keep the door open for a later visit, Graham publicly said he did not wish to take political sides and get involved in "local problems." Later he went so far as to compare the United States and the Soviet Union in terms of religious freedom. According to Martin, some media wrongly reported that Graham said there was no religious repression in the Soviet Union. Nevertheless, Graham's actual statements suggested either considerable naïveté about church-state relations in that country or some type of opportunism meant to guarantee a return invitation—or both. The comments not only created a furor in the United States; they also served the Soviet propaganda mill in domestic and international media.

As with all lengthy biographies this one has some points of discontinuity where the description seems to get in the way of the overall narrative flow. More often than not, however, the thick description is quite telling.

Martin now joins Ed Harrell (*Oral Roberts: An American Life*) as author of a clearly superior biography of a major religious broadcaster and evangelist.

Evangelicals and Capitalism

WITH LIBERTY AND JUSTICE FOR WHOM? THE RECENT EVANGELICAL DEBATE OVER CAPITALISM. By CRAIG M. GAY. Foreword by Peter L. Berger. *Eerdmans. 276 pp. $19.95 paper.*

Reviewed by **Amy L. Sherman**

RECENTLY the local news reported on a Wisconsin environmental initiative. School children were sent into prairie fields to gather seeds from the grassy stalks for replanting. A reporter stopped one seven-year-old in the midst of joyful picking and asked what he thought about it all. With great intensity, the child replied: "Oh, I just love Nature!" And then, with as disparaging a tone as a second grader can muster, he added, "If I had *my* choice, I'd live in Nature instead of modern appliances."

As an evangelical studying economic development, I run into many Christians whose view of capitalism is akin to the youngster's opinion of modern appliances: you sort of have to put up with it, but it holds a lowly place among your moral druthers, and you look wistfully for some "better way" of ordering economic life. Craig Gay's book, *With Liberty and Justice for Whom? The Recent Evangelical Debate Over Capitalism,* confirms my anecdotal evidence. It shows that most evangelical sentiment towards capitalism ranges from hostility to discomfort to cautious acceptance. Gay profiles the evangelicals clustered around these positions (as well as the far-right faction that would baptize capitalism as God's ordained economic system). Comprehensive in scope and rich in description, the book reveals the breadth and diversity of

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evangelical opinion and identifies some of the pitfalls and promises of their reflection.

Two years ago, the British historian Paul Johnson asserted in these pages that capitalism is "indifferent" and "morally neutral" (see "The Capitalism and Morality Debate," FIRST THINGS, March 1990). Johnson's insight helps explain the ambivalent feelings religious people often experience concerning it. Though capitalism's efficiency has been convincingly proved, many Christians' enthusiasm about capitalism's wealth-producing ability is tempered by their distaste of materialistic capitalist culture and distress over members of the underclass at home and abroad who seem not to have shared in the free market's unheard-of prosperity. This discomfort over capitalism leaves Christians with a dilemma: how can we make the market more moral? In the post-1989 world, this issue is particularly pressing as formerly statist countries adopt market-friendly policies, hoping to imitate the West's material prosperity without falling prey to its cultural decadence.

LARGELY, Craig Gay's book is a description of the conversations evangelical intellectuals have been holding on the "moralization" of capitalism. He categorizes these scholars as left, center, and right and analyzes them in the context of New Class theory. This theory maintains that America's middle class is really two classes: the old, traditional, business-oriented class and the modern, liberal, secular New Class engaged in the production and dissemination of symbolic knowledge. (This is perhaps an oversimplified description of the New Class, since some of its members by vocation do not share its predominant political philosophy.)

Gay argues that the evangelical left has chosen to identify with the New Class and the evangelical right with the traditional business class. In so doing, both groups have "bargained" with their secular counterparts, adopted their assumptions and prescriptions, and sinned by considering socio-economic issues as ultimate, rather than penultimate. Though the book's organization makes Gay appear to censure both parties with equal vigor, in fact, as Peter Berger notes in the foreword, the evangelical left's compromises are more dangerous. Its continuing dialogue with the New Class' "modern consciousness" has introduced a more intense and perilous form of what Berger calls "cognitive contamination," i.e., the "gradual, typically unconscious process of adaptation to the prevailing worldview." This accommodation has allowed secularity to "come in the back door" and manifest itself in the theological, as well as political/economic, positions of the evangelical left.

At least at the level of proclamation, the evangelical left has loudly insisted upon a more moral, more communitarian, and more holistic society. Its members are eager to frame a "society that recognizes moral objectives," as Paul Johnson put it. But the left challenges Johnson's notion of a morally neutral capitalism. As Gay points out, for them, capitalism is evil, capitalism is the problem, and a more moral community will arise only when capitalism has been extirpated.

Gay observes that the left views capitalism as a "comprehensive system, encompassing economic, political, and social realities." For them this is a critical as well as helpful view, because this definition allows the left to use capitalism as a scapegoat for just about any evil under the sun. (The evangelical right, in contrast, maintains that capitalism is simply an efficient way of ordering economic production and exchange in a world of scarcity—and that it is only one social institution among many, such as the church, state, and family.) For the left, greed is the engine of capitalism, concentrated power and exploitation its chief characteristics, and gross material inequalities domestically and globally its chief results. With such a dim view, the left considers attempts to make capitalism "more moral" fruitless and utterly misguided. Christians would do far better to promote worldwide social revolution against the beast.

GAY CONSIDERABLY advances our understanding of the left's case against capitalism by going beyond the Scripture-based arguments they raise. "As the evangelical left has matured," he writes, "its theological condemnation of capitalism has increasingly drifted away from merely ethical and propositional assertions and toward an incorporation of such assertions into an overarching view of history and eschatology." The left (and much of what Gay calls the center) contends that "God is always at work in history, liberating the poor and oppressed." For these evangelicals, "conversion" to the Gospel means fundamentally a conversion to a socio-political agenda (the New Left's) through which, allegedly, God is at work building His kingdom. This leaves little enthusiasm for the labor to which Johnson exhorts Christians: cultivating the moral foundation upon which capitalist institutions can be grounded and sustained, and to which free market activity will be accountable.

It is, rather, two other groups in Gay's survey who bring the most to that endeavor. They are the evangelical "moderate right" (represented, e.g., by Herbert Schlossberg, Ron Nash, and P. J. Hill and excluding the far-right theonomists) and the section of the center Gay calls the "evangelical mainstream" (represented, e.g., by Carl F. H. Henry). Gay's categorization might have been neater if he had put these two groups together; identified his "center progressives," such as Nicholas Woltersdorff, for what they are, somewhat less dogmatic allies of the radical left; and completely separated the far-right reconstructionists from the rest of the right. Then the book would have divided those—namely, the "moderate right" and the "center-center"—that have been somewhat successful in resisting trends to-

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wards secularization and immanentization, and those that have not.

This amended categorization would clarify a crucial point that is in danger of being missed in light of Gay's apparently evenhanded criticisms of left and right. His approach unwittingly sets the reader up for sympathy to the evangelical "center" as the group that must have the most balanced, responsible, and non-compromising stance. This is not the case. To his credit, though, Gay's examination of the center and his concluding comments do identify some of its serious shortcomings.

Theoretically, this group (especially the "progressive neo-Calvinists") share some assumptions of the moderate right: that capitalism can be appreciated for its efficient wealth-creation; that it is not a comprehensive system because society is composed of several spheres with important roles; and that the state must be limited if other "mediating institutions" such as the family and church are to enjoy their rightful autonomy. But, as Gay points out, in practice the center's policy prescriptions—for justice defined as "equity," for far greater state activism in the economy, and for a reconceptualization of the task of economics to one of "guiding" the society toward appropriate ends—threaten to circumscribe severely the freedom of the other spheres. Ostensibly, the evangelical center is concerned about making capitalism more moral; in reality, its policy agenda suggests that it is willing to see the capitalist economic system usurped by the interventionist one. Although this is better than the left's implied call for socialism, this "statist" solution neither resolves Paul Johnson's question, nor, for that matter, helps the poor or promotes "justice."

MORE THAN THIS, Gay's work suggests that the left and center-left's alignment with the New Class renders it incapable of leading the discussion on how to build the moral-cultural and strong juridical framework in which economic freedom is used creatively, responsibly, and in a socially beneficent way. It is the civil society, and especially the church, that must cultivate the moral-cultural system in which the economic order is located. When the church is faithful to orthodoxy and to the transcendent God—the God of the higher, objective Law—it can proclaim the metaphysical basis for a society of ordered liberty. When the Christian community loses its sense of the transcendent and of objective moral reality, it cannot contribute very much to the sustaining of a free *and* virtuous society.

The "absolutization" of the economic sphere, against which evangelicals rightly rail, and the grievous excesses that occur when economic liberty becomes license are not produced by capitalism *per se*. As Pope John Paul II argued in *Centesimus Annus*, if these things happen "the reason is to be found not so much in the economic system itself as in the fact that the entire socio-cultural system . . . has been weakened." Gay's research demonstrates that the left's and center-left's continued dialogue with the New Class is fueling the deterioration of the moral-cultural system by compromising orthodox theology. As he concludes, these groups have "in effect expanded their conception of theological authority to include neo-Marxist socioeconomic analysis" and "they have tended to shorten the eschatological horizon to the merely historical. . . ." This process of immanentization of the Gospel works against the relativizing of economic life that, for example, the Pauline epistles advocate.

Most of the immoral consequences of market processes stem from abuses of freedom. At least in part, this arises from a conception of liberty divorced from any moral restraints or objective standards. Such standards used to be supplied by the church, which taught that true freedom is the freedom to do as one ought. Gay's research warns that the trends toward secularization and the collapsing of the fullness of the Gospel into a socio-economic treatise underway in some evangelical quarters undermine this community's ability to disciple citizens in the traits and attitudes—frugality, discipline, integrity, fairness, delayed gratification, and other-centeredness—required if capitalism is to be tempered by a vibrant moral-cultural system.

BRIEFLY NOTED

DESIRES RIGHT & WRONG: THE ETHICS OF ENOUGH. By MORTIMER J. ADLER. *Macmillan. 200 pp. $22.95.*

The indefatigible Mortimer Adler returns with vigor to the argument that Aristotle provides the basis for a truly universal and normative ethic. Almost half the book is composed of appendices from earlier writings now out of print, but the author's perennial commonsensicality is startlingly fresh in an era of mindless ethical relativism.

BLESSED ARE THE BARREN: THE SOCIAL POLICY OF PLANNED PARENTHOOD. By ROBERT MARSHALL and CHARLES DONOVAN. *Ignatius. 371 pp. $19.95 paper.*

This is not a book for those who wish to be shielded from the unpleasant. As John Cardinal O'Connor writes in the foreword, this study strains the reader's vestigial confidence in an American establishment that has been so powerfully corrupted by the anti-natal ideology of Planned Parenthood. The fastidiously literary will complain about some stylistic excesses. Morally concerned citizens will welcome the wealth of information and sharpness of argument. (Author Marshall was elected last November to the Virginia state senate.)

THE TRAVAIL OF NATURE: THE AMBIGUOUS ECOLOGICAL PROMISE OF CHRISTIAN THEOLOGY. By H.

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PAUL SANTMIRE. *Fortress Press. 274 pp. $14.95 paper.*

A careful case for environmental responsibility by a Lutheran scholar who has a firm sense of the Christian tradition. *The Travail of Nature* is a welcome antidote in a field of debate frequently dominated by the hysterical.

REASON AND REALITY. By JOHN POLKINGHORNE. *Trinity Press International. 119 pp. $13.95 paper.*

The author, a former professor of mathematical physics, is now president of Queens' College, Cambridge, and has a notable talent for explaining abstruse scientific matters to the general reader. In this little book he sets forth the ways in which quantum theory and its successor, chaos theory, suggest a universe open to a Christian understanding of reality.

CATECHISMS AND CONTROVERSIES: RELIGIOUS EDUCATION IN THE POST-CONCILIAR YEARS. By MICHAEL WRENN. *Ignatius. 237 pp. $13.95 paper.*

A lively contention that something very much like apostasy is the main cause of the collapse of Catholic catechesis since the Second Vatican Council. The author, a pastor in the New York archdiocese, focuses on the Holy See's forthcoming "Universal Catechism" and the anticipatory strikes against it launched by "progressivist" theologians. Deserving of attention from Catholics who understand that, unless the faith is transmitted, there may be no faith to transmit.

THOMAS AQUINAS: AN EVANGELICAL APPRAISAL. By NORMAN L. GEISLER. *Baker. 195 pp. $12.95 paper.*

The title and subtitle say it all, and a very appreciative appraisal it is. The author is well known in evangelical Protestant circles and the book should elicit from fellow evangelicals some long second thoughts about the dismissal of Aquinas as a Catholic preoccupied with intellectualizing at the expense of Christian experience and life.

A FRAGRANCE OF OPPRESSION: THE CHURCH AND ITS PERSECUTORS. By HERBERT SCHLOSSBERG. *Crossway. 252 pp. $11.95 paper.*

If religious freedom is the foundation of all other freedoms, Herbert Schlossberg helps us understand why this continues to be the century of unfreedom. He offers a chilling overview of the persecutions of the past and present. More important, he explains why Christians, also in this country, must ever be dual citizens prepared for battle with what Saint Paul called the principalities and powers.

CHOOSING THE DREAM: THE FUTURE OF RELIGION IN AMERICAN PUBLIC LIFE. FREDERICK MARK GEDICKS and ROGER HENDRIX. *Greenwood. 216 pp. $42.95.*

A very thoughtful survey of arguments and conflicts regularly addressed in the pages of this journal. The authors end up on a rather hopeful note that religion in public will be less scarifying to secularists as it demonstrates the ability to form coalitions with its opponents in pursuit of the common good. The price, regrettably, may prevent the book from reaching the audience that it should have. Gedicks teaches law at Brigham Young, and Hendrix is a management consultant and lecturer based in Los Angeles.

THE DIVINE DRAMATIST: GEORGE WHITEFIELD AND THE RISE OF MODERN EVANGELICALISM. By HARRY STOUT. *Eerdmans. 301 pp. $14.95 paper.*

Another distinguished contribution to Eerdmans' series, "Library of Religious Biography." Stout, a Yale historian, makes both compelling and readable the story of an eighteenth-century Anglican revivalist who had a considerable influence on Americans both high and low during the period of national founding. To speak of "the rise of modern evangelicalism" may also suggest that evangelicalism will again be, as it was in Whitefield's day, the religious mainstream.

THE CASE FOR CHRISTIAN HUMANISM. By R. WILLIAM FRANKLIN and JOSEPH M. SHAW. *Eerdmans. 270 pp. $18.95 paper.*

They make the case very forcefully indeed. Franklin of St. John's University and Shaw of St. Olaf College, both in Minnesota, explain why Christians conversant with their history cannot surrender the humanist banner to those who are hostile or indifferent to the Christian tradition. Politics, liturgy, art, and ethics are combined in the Christian vision of the more fully human life revealed in the fullness of humanity that is Christ.

HEAVENLY SUPPER: THE STORY OF MARIA JANIS. By FULVIO TOMIZZA. *University of Chicago Press. 175 pp. $24.95.*

Whether the seventeenth-century Maria Janis was a saint or a fraud is the question posed by this most readable tale. She and her parish priest contended that she lived for five years on nothing but the eucharistic host. The Inquisition did not think so, and Fulvio Tomizza does not say what he thinks. *Heavenly Supper* is an engaging and subtle introduction to a period of Catholic piety and Western culture.

THE CHRISTIAN FRAME OF MIND: REASON, ORDER, AND OPENNESS IN THEOLOGY AND NATURAL SCIENCE. By THOMAS F. TORRANCE. *Helmers & Howard (Colorado Springs). 164 pp. $18.95.*

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"Science without religion is lame; religion without science is blind." So said Albert Einstein, and few Christian thinkers have taken him so seriously as has Thomas Torrance. These essays from a richly productive life set forth the argument for a "shared intelligibility" between science and theology. It is not adequate to say that science deals with the "how" questions and theology with the "why" questions. Both fields, Torrance contends, deal with how and why—and he helps us see how they overlap and why they must.

Extensions

In the Cleveland Museum of Art

In the din of ages
so quiet only the squeak
of charcoal sneakers
and the stentorian tutelage
of living masses
obtrude—goddess
with a breast exposed,
Mary drawing blood
from fingers brushing thorns—
overhead the tapestry
of knights and days—
in glass enclosed, breastplates,
armor . . .
  The old and the young
contemplate themselves
distractedly—why this
and this—not something
else?—why this standing
for man; preserved—
why does this speak
to who I am?

Only the rich of course
had these things, no?
The poor had nothing like this
in their homes, the earnest
middle-ager asks. (The art
of the poor was staying alive;
their lives enriched
by viewing their betters'
legacies, now, the wiseacre
guide replies, wisely.)

Crossbows; helmets;
chainmail. "Laban searching
for his household idols" . . .

Filipino and Chinese,
black schoolchildren
and matrons,
each one finger
of a hand reaching back
to the center of the earth
floating through the heavens.

Jackson Holmes

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Richard John Neuhaus

The Public Square

A Continuing Survey of Religion and Public Life

The Hidden America

More Americans attend church or synagogue each week of the year than attend professional sports events in an entire year. Think about it. The legendary man from Mars who read our prestige press and watched network news for a year would think Americans are obsessed with sports and politics, with a small minority at the margins interested in matters religious. Or consider this: More Americans are in church every month than vote in presidential elections every four years.

The comparison with sports was first worked out by George Cornell, veteran religion writer for the Associated Press. In 1980, sports attendance totalled 356 million. That includes both professional and college football, baseball, basketball, and hockey—both major and minor leagues—plus auto racing, soccer, tennis, boxing, flat and harness racing, and even dog racing. Attendance at churches and synagogues was thirteen times greater, totalling 4.7 billion. In other words, more Americans attended worship services in a single month than attended any sports event whatever in the entire year.

Gate receipts of professional football, baseball, and basketball in 1980 totalled $423 million. Contributions to religion totalled $22.1 billion, 51 times more than people put into the three biggest sports. Yet, according to Cornell, the ratio of news space given to religion and sports is almost precisely the reverse. One yardstick of people's interests is where they put their time and money. They invested 13 times more of their hours and 51 times more of their money in religion than in sports. While Cornell has not toted up the figures since 1980, all the evidence suggests that the pattern has not changed in the last twelve years, except that the tilt of popular interest may now be even more heavily in favor of religion.

Cornell further observes that the media attention lavished on sports is typically of a promotional nature, ballyhooing the excitements and satisfactions of the games. Religion reporting, as often as not, is of a downputting character, focusing on the squabbles and strange behavior of those odd people who are "still interested in that sort of thing." Not a few prominent sports and political reporters were "promoted" from the lowly religion beat where they began their careers. Studies by Robert Lichter and others have demonstrated again and again the enormous "religion gap" between journalists and news editors, on the one hand, and the American people, on the other. Along with most of the miseducated elites teaching in universities, journalists tend to assume that America is a secular society that is troubled at the edges by the vestigial phenomenon of religion.

Willfully Inexpert Experts

Put differently, religion is far and away the largest network of voluntary associational behavior in American life. Yet this comes as a shock to most of the putative experts on American life in journalism and academe. After encountering the shock, it seems that most revert to a willful indifference to this overriding fact about America. Such reversion is encouraged by the company they keep in their respective guilds where everybody "just knows" that ours is, or is rapidly becoming, a secular society. Not to put too fine a point on it, most of the putative authorities on America in academe and the media are ignorant of one of the most salient features of the America that is hidden from them, and are apparently determined to remain so. Others are simply contemptuous of that America and determined to keep it hidden from their readers and viewers.

This is a powerfully important factor in the culture wars. In the last number of years—beginning with "born again" Jimmy Carter in 1976 and the religious right a little later—academic and media elites were alerted to a religion factor that had not, to their surprise and manifest chagrin, "gone away." With the folding of such high-profile groups as Moral Majority, they heaved a collective sigh of relief. If religion had not gone away, they thought, at least it was off their political radar screens. Little do they realize that Moral Majority and its like were but

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temporary instruments for triggering the Christian activism that is now one of the most potent forces in our political life. And, of course, politics is but one small slice of the American reality. The name of the game in American public life today is culture, which engages some of the most fevered issues also in politics—abortion being first on the list.

So the question might be asked: Are the academic and media elites more or less aware of the religion factor than they were, say, ten years ago? At this point, any answer must be impressionistic and our impression is skewed by the regular reading of the *New York Times* and fifty or more other opinion-making papers and magazines. Our hunch is that the answer is that they are more aware. But the reaction to this awareness is exceedingly peculiar. Instead of taking the hidden America more seriously, there seems to be a drift toward creating not so much a counterculture as a defensive culture. That is to say, the secularized elites are forming a kind of cultural backwater that they declare to be the inevitable future, once America gets over its passing regression to religion and associated political conservatisms.

Consider the Clarence Thomas hearings, possibly the most significant event in the culture wars of the last ten years. Every stop was pulled and every viciousness exploited to prevent Judge Thomas from being confirmed. Those orchestrating the Anita Hill attack were given almost unlimited exposure on television. One feminist law professor, a putative expert on sexual harassment, actually said on network television, "The less credible her charges are, the more credible they are. The less evidence is the more evidence. That's the way it is with sexual harassment." Such assertions reflect a desperately, indeed hysterically, defensive mindset. After Thomas was confirmed, a feminist organization held a banquet here at the Waldorf Astoria, with Anita Hill ("the Rosa Parks of sexual harassment") as guest of honor. Asked by a reporter whether she was not concerned that most Americans, including most women (remember there was no "gender gap" here), rejected Ms. Hill's allegations, the president of the organization replied, "Not at all. We are more enlightened than most Americans." That is the voice of aspiring arrogance from a hysterically defensive subculture.

It is a subculture, however, that still acts as though it is the establishment, and in some important respects is the establishment. Of course events such as the Thomas hearings have to do with more, and with less, than the religion of the hidden nation that is unsecular America. But the religious, cultural, and political factors are maddeningly entangled with one another. In fact, they cannot be separated, and sometimes can hardly be distinguished. So frustrating is the challenge that sectors of the establishment have turned themselves into little enclaves of what they deem to be right thinking. Cognitively, they live in "another country" of their own creation.

The New York Times: Partisan or Just Silly?

But of course we labor under the daily reading of the *New York Times*. Astute observers of journalism have noted that the *Times* has become in recent years an essentially silly newspaper. The choice of front-page stories that have little to do with anything of consequence that has actually happened (the "news" that is fit to print) and the blatant editorializing in what are supposed to be news reports have discouraged many who counted on the *Times* to maintain "standards." The line between columnist and reporter is increasingly fudged. If your views are correct, you no longer get promoted to a column—every cub reporter begins with one. And, of course, on the editorial page the silly season reigns unchallenged.

But we expect it is more than silliness or self-indulgence or the abandonment of what were called journalistic standards. The editorial page of the *Times* is a daily report on what is being thought in "another country." Keep in mind that some of our good friends have been members of the editorial board. In recent years, however, they are allowed to speak up only to let the record show that the majority heard from the America of which it is not part. On family policy, parental authority, the feminist agenda, homosexuality, AIDS, teenage promiscuity, church-state relations, the exclusion of religion from public discourse—on these questions and much else the editorial page speaks for a besieged secularized minority, and does so in its former tones of *the* establishment institution giving counsel to the nation.

On Mother's Day, 1991, the *Times* editorially endorsed, in opposition to the hierarchical and patriarchal religion of the Bible, the worship of the goddess Gaia. It is quite wondrous to behold. The editorials of the nation's most prestigious medium frequently read like messages not simply from another country but from another planet. Be assured that we talk with these people. Alas, to little avail. They seem equally convinced that we are a messenger from some strange subculture radically at variance with the America they think they know. And to think that some people say they do not know what is meant when people talk about America being embroiled in a *Kulturkampf*.

We confess that we have no sure idea as to how all this is going to turn out. It seems to us that the hidden America is obvious enough to all who have eyes to see. But then, George Cornell has been pressing his argument with Associated Press and other media for more than thirty years, with slight effect. Politics, sports, entertainment, economics—that is what America is really all about, insist the mandarins of our public discourse. Moreover, they believe politics is essentially about economics (the

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"bread and butter" issue), sports is obsessional distraction, and entertainment (meaning "culture" as in ballet or rock) is the cutting edge of ideas and "lifestyles." Meanwhile the great majority of Americans talk and think and pray about how to live, about the difference between right and wrong, about whether their children will be decent people, and about the will of God. What Chesterton called this "nation with the soul of a church" continues to be that, and ever more so. For better and for worse, it is the fact. The alleged experts on the nation cannot understand its soul because they refuse to take account of the church that is at the center of what is, for them, the hidden America.

FT

CONTRACEPTING EVANGELICALS

With due respect to that estimable evangelical magazine, one issue of *Christianity Today* does not a revolution make. But it may be something more than a straw in the wind that *CT* devotes a good chunk of an issue to a symposium on the question, "Is Birth Control Christian?" Everybody knows that this has been a big question among Roman Catholics, and much disputed since the 1968 encyclical *Humanae Vitae*. But some evangelical Protestants are now beginning to ask whether they (or their grandparents) didn't go along too readily with the lifting of Protestant inhibitions about contraception that began back in the 1930s. According to the magazine's survey, nine out of ten *CT* readers who are married have used some form of contraception, and in the case of 37 percent of couples at least one spouse is sterilized. Now, it seems, people are having second thoughts.

The editors note that all participants in the symposium are agreed "that children are a blessing from the Lord. Unfortunately, it is easy to forget that truth when the technological nature of birth control makes fertility seem like a disease that needs to be cured. And when the prophets of overpopulation make children seem like parasites on a withering planet. And when the harpies of radical feminism make childbearing seem like a roadblock on the highway to economic justice."

Debra Evans, a writer on women's issues, reports that she went on the pill when she was fifteen years old, and has regretted it ever since. "Providing the pill (and other forms of contraception) to an unmarried woman does more than prevent her from getting pregnant; it may also erode her ability to say no to sex. It can make her more vulnerable to the pressures of a man in search of physical gratification. The potential for sexual abuse, fornication, sexual addictions, adultery, and the perpetration of double standards grows instead of diminishes. The pill was not designed to treat or cure anything, but only to make sex easy. Women come out losers. 'Baby-proofing' them increases the odds of their being sexually used by, and sexually using, men. . . . I wonder: Might Madonna actually be a mass-marketed version of Aldous Huxley's Lenina—who embodied eroticism, but was disgusted by pregnancy and motherhood? Will cultural attempts to remake women into wombless and milk-free objects continue to backfire? Could the hypereroticization of women prove to be the ultimate turnoff? Does nature have something to teach us after all?"

The *CT* symposium includes other thoughtful observations, one by Father James Burtchaell, a frequent contributor to this journal, who says that, while he believes contraception is not in itself morally objectionable, the fending off of children has corrupted Christian marriage. In a brief historical sketch of Christian teaching on marriage and sexuality, Michael J. Gorman (*Abortion and the Early Church*, InterVarsity Press) scores Augustine for his "negative" attitudes but ends on this note: "Modern society tends to so exalt sexual pleasure as to separate it entirely from sex's procreative context. For centuries the church has correctly understood that this has dangerous consequences. Has not such a separation contributed to increased acceptance of premarital, extramarital, and homosexual sex, as well as abortion?" The question would seem to be rhetorical.

Despite all the loose talk about the church being obsessed with sex, conservative Protestants have been rather slow in challenging some cultural directions, such as contraception and abortion. (As we have noted before, on the eve of *Roe v. Wade* the Southern Baptist Convention was calling for liberalized abortion laws.) Some Catholics have to bite their tongues to keep from reminding their evangelical brothers and sisters that they are playing catch-up. Such Catholics, however, need to be reminded that the Church's teaching on these questions has not been pastorally presented to the Catholic faithful with notable success. Nonetheless, on these and other "social issues," the evangelical-Catholic convergence is a significant dynamic in the culture wars.

Secularists who view that convergence as threatening routinely sound the alarm that contraception will become the next prohibited item once *Roe* is overturned and protective laws are in place for the unborn. That, one can assert with high confidence, is nonsense. No one, Catholic or Protestant, is making the argument that contraception (except by abortifacients such as RU-486) is an issue of public justice that is to be remedied

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by law. There is a bright line, as the lawyers say, between contraception and abortion in that the latter is viewed as the killing of innocent human life. That being noted, it is a matter of potential moment that evangelical Protestants are beginning to have Catholic-like thoughts about contraception. As we said, one issue of *CT* does not a revolution make, nor even indicate a clear direction. The editors hedge their conclusions and are so very careful not to be "legalistic" about contraception. At the same time, the current discussion of birth control among evangelicals does have the appearance of fleshing out a more comprehensive and coherent approach to a Christian understanding of sexuality, marriage, and family that is under relentless cultural assault.

FT

THE CORRECT NEW TESTAMENT

The people at *Wittenburg Door* (yes, they know Wittenberg is spelled with an "e") think they are so very funny. They are. They think it is past time for Christians, and evangelical Protestants in particular, to get attuned to the times. The feminists at the National Council of Churches who put out that inclusive language lectionary are altogether too timid. A Bible that is relevant to *TODAY!!!* needs a much more thorough reworking, and the editors show us how to go about it.

Here, for example, is the *Wittenburg Door* version of Mark 8:13-19: "And he went around to the other side of the hill and called to him those whom he desired; and they came to him. And he nominated twelve to be with him, and to be sent out to dialogue and to have authority to cast out racists; Simon, whom he surnamed Shabazz; James, the son of Zebedee and John the lover of James, whom he named *Boaner-Gays,* that is thighs of thunder; Tawana and N'krumna, Mary Magdalene and Salome, Hirioshi, and Jugdesh; Running Buffalo; Che the Zealot; and Judas the Caucasian who betrayed him."

Or consider this politically superior rendition of Matthew 12:10-13: "And behold, there was a person who was manually challenged. And they asked Jesus, 'Is it lawful to heal on the sabbath? Not that there was anything particularly wrong with him in the first place, mind you!' so that they might accuse him of bias against the differently abled. He said to them, 'What person of you, if he or she has one sheep and it falls into a pit on the sabbath, will not lay hold of it and lift it out? Of how much more value is a sheep than a man! But people have rights too. So it is lawful to do good on the sabbath.' Then he said to the person, 'Stretch out your hand.' And the person stretched it out, and it was temporarily abled like the other."

The improved version of Mark 10:46-52 should meet with the approval of the right thinking: "And they came to Jericho; and as he was leaving Jericho with his disciples and a great multitude, Bartimaeus, a visually challenged welfare recipient, the son of Timaeus, was sitting by the roadside. And when he heard that it was Jesus of Nazareth, he began to cry out and say, 'Jesus, Child of David and Michael or Bathsheba, or Abishag, have solidarity with me!' And Jesus stopped and said, 'Call him.' And throwing off his mantle he sprang up with great agility unmatched by most sighted folk, and came to Jesus. And Jesus said to him, 'What do you want me to do for you?' And the visually challenged person said to him, 'Comrade, affirm me in my differently abledness.' And Jesus said to him, 'Go, your way, your attitude has proven your wellness; indeed, you are weller than the rest of us.' "

Then there is Mark 2:16-17: "And the scribes and Pharisees said to his disciples, 'Why does he eat with Republicans and sinners?' And when Jesus heard it, he said to them, 'Those who are temporarily abled have no need of a physician, but then, neither do the differently abled. Come to think of it, I'm not sure why I eat with them.' "

Having stolen so shamelessly from this delightfully mischievous publication, it seems only fair that we tell you how to get a sample copy with an eye to subscribing: Write *Wittenburg Door,* 1565 Cliff Road, Suite 3-450, Saint Paul, MN 55122-9956.

FT

PARENTAL LAMENT

Dawn Ravenell, a thirteen-year-old black child, entered Eastern Women's Center in New York and signed the surgical consent for an abortion (New York State has no provision for parental notice or consent). She was twenty-one weeks pregnant, the abortion was bungled, she suffered a cardiac arrest in the clinic, slipped into a coma, and died eighteen days later in the hospital. Dr. Bernard Nathanson, one-time abortionist turned prolife champion, interviewed her parents who live in Brooklyn.

Dr. Nathanson: Your first notification was that this daughter of yours was in Roosevelt Hospital in a coma.

Mr. Ravenell: Right—she's fighting for her life. That's what they told me. They told me I had to

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come in right away, that Dawn is here at that hospital fighting for her life.
Dr. Nathanson: Those are the words they used?
Mr. Ravenell: That's what they said. I was going—how could she be fighting for her life—she left this morning, going to school, looking healthy, never been sick.
Dr. Nathanson: She told you she was going to school that day?
Mrs. Ravenell: She had never been sick. We couldn't understand how she was in Manhattan fighting for her life.
Dr. Nathanson: So you were stricken, literally staggered by the news?
Mrs. Ravenell: I had to constantly while I was in the hospital sitting there—they were running tests—I had to keep my hand over my mouth to keep from screaming in horror.

I could not believe this was happening. I said this is a bad dream, I'm going to wake up and this would not have happened. How can people intrude themselves into *my* life, make decisions for *my* child, and then tell me to come pick up the pieces after you've made a mess. This is what you're saying to me: you have nothing to do with the decision that was made, but now we're finished, so you come and pick up the pieces—there are no pieces left to pick up—you have killed a perfectly beautiful lady, and for what?

I kept asking the doctor, how could this happen, how could they do this to my child without my knowledge, and he said to me, "Mrs. Ravenell, I'm not an attorney, I'm trying to do everything I can for your daughter medically, but you have to look into those avenues on your own."

Dr. Nathanson reflects: "It is odd—and utterly inexplicable to us—how Americans can act so swiftly and decisively to protect their young in circumstances which pose only a minor, rather remote threat to their lives, but virtually neglect them in other much more hazardous settings. According to figures released by the Consumer Product Safety Commission, from October 1989 through September 1990, more than 200 items (toys, rattles, clothing, blankets) were recalled because they were judged to be dangerous for use by children—yet a thirteen-year-old girl is allowed by law literally to sign her life away when confronted by a formidable surgical procedure such as late abortion."

FT

From Chic to Orthodox

The Fellowship of Catholic Scholars is a growing organization that is ordinarily described as conservative. Who would have thought, say, twenty-five years ago that Catholic academics who are supportive of the Pope would be described as a conservative minority? In the FCS newsletter Ralph McInerny of Notre Dame, the group's new president, reflects on the time when, in religious houses and seminaries, the Martyrology was read at the beginning of common meals. There is now, he writes, a very long list of martyrs who have been suppressed or sidelined by the regnant "progressivism" in the Catholic academy. Orthodoxy has now become dissent, and dissent the new orthodoxy.

"A quarter of a century ago, dissident moral theology might have seemed a hothouse affair, a tempest in campus theology departments, academics exhibiting the ecclesiastical equivalent of radical chic. Perhaps bishops then thought that no theologian really believed that a case could be made for infidelity, abortion, homosexuality—outside classroom discussion, that is. It began tentatively, full of qualifications, seeming to make room reluctantly for that rare case when, thanks to proportionalism, one might do what was generally evil. Dissent grew bold. Exception ceased to be exceptional. A spirit of antinomianism took hold. Dissident moral theology, too long tolerated, never really opposed, is now bearing its fruit.

"It is said that the Catholic population of the United States is becoming more and more indistinguishable from the population at large so far as divorce, abortion, extramarital sex, and the rest of the lubricious litany of liberation goes. But how many have ever heard the teachings of the Church on sexual morality expressed, let alone explained and defined?"

For more information about FCS, write Fellowship of Catholic Scholars, St. John's University, Jamaica, NY 11439.

FT

Pluralism Against Itself

Whether church and state should recognize something called homosexual marriage is the subject of a thoughtful exchange in *Commonweal,* the Catholic biweekly. The editors weigh in with their own thoughtful (or so it seems to us) conclusion:

"To accept some form of moral or teleological equivalence between homosexual and heterosexual acts is to radically alter the centrality of secular

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morality in our most basic understanding of the human project. Such a 'liberation' can only further erode our most intimate and deeply felt ties to the future and the sacrifice that requires of us. The ethos of marital heterosexuality imposes upon us a sense of participation in a moral project that transcends our own immediate needs and wants. If the experience of the last twenty-five years has taught us anything, it is that human institutions are not infinitely malleable: the fragility of marriage, the permeability of families, and the incidence of haphazard arrangements for the care and rearing of children are there for all to contemplate. By giving each of us a compelling stake in the future, marriage takes the paradoxical energies of sexuality and harnesses them to the greater social good of providing for subsequent generations. Heterosexual marriage turns us back to the regenerative body and confronts us with the mystery of the other and the joys of human creation in a way same-sex marriage cannot. In an age when, from abortion to euthanasia, technology puts greater and greater power over life into our own hands, the ties that bind each of us to the larger human moral community must be strengthened rather than attenuated.

"Can such values be admitted to the public debate? The answer is that we cannot hope to sustain a public life without them. Political philosopher Michael Sandel warns that 'a politics that's empty of larger meanings—moral, spiritual meanings, or for that matter, that's empty of any sense of a shared project—is not a democracy that can sustain itself.' Pluralism, in other words, can defeat itself by so relativizing all values that the value of pluralism itself cannot be defended."

FT

WHEN SPEAKING IN PUBLIC

The debate over natural law and its connections with positive law—a debate to which this journal has contributed possibly more than its fair share—is not likely to end before the Eschaton. The argument has been made that natural law, and perhaps even the purposes of God known through special revelation, can and should be made legally effective in a society that is democratic (i.e., deriving its legitimacy from the convictions of its people). In a public square of diverse and often conflicting convictions, however, it is generally both wrong and counterproductive to contend that something should be the law "because it is God's will." So such arguments are usually "translated" into language about serving a "secular" purpose. David M. Smolin, professor of law at Samford University, explains why he is uneasy about that but then goes on to say more.

"Yet, as a practical matter, the Christian must often translate his theological conviction regarding the limits of state power into non-theological language. The Christian is free to use technical legal terminology such as 'secular purpose' and to translate religiously derived standards into 'secular' purposes. Such translations are not dishonest or disingenuous. Indeed, these translations of theological concepts into secular concepts are laudable and necessary. Many writers have urged religious persons participating in the public square to speak in a language that is accessible and understandable to those of other faiths and beliefs. The translation of religious concepts into 'secular' or 'mediating' language is an attempt to live at peace and in dialogue in this mortal life with those of differing faiths and philosophies. The Christian *introspective* processes can never be 'secular,' because the Christian is required to 'take captive every thought to make it obedient to Christ' and live entirely under and for God. The Christian may, however, translate these introspections into publicly accessible language as a way of facilitating what Augustine called 'common cause . . . in what concerns our purely human living.'

"These 'secular' translations, however necessary and useful, can never replace the richer theological introspection and intra-Christian dialogue that truly guides the Christian. The secular translations, moreover, are often inferior, intellectually and aesthetically. Secular language is not necessarily distortive or unstable, but is open to these vices when its speakers treat as autonomous and self-sustaining that which is contingent and dependent. Nonetheless, given a world filled with fallen humanity, in which the wheat and the chaff are mixed, the risks of misunderstanding and abuse are unavoidable."

FT

JAMES TUNSTEAD BURTCHAELL, COLLEAGUE AND FRIEND

On the basis of rumors and second-hand information, the *National Catholic Reporter* published exceedingly damaging charges of sexual misconduct against Father James T. Burtchaell, who is a frequent contributor to, and a member of the Editorial Advisory Board of, this journal. Fr. Burtchaell belongs to the Community of the Holy

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Cross which is connected with the University of Notre Dame, of which he was a tenured professor and provost. The *NCR* story, picked up by the wire services and widely disseminated, has no doubt come to the attention of many of our readers. Tragically, some of the charges are true. Fr. Burtchaell has confessed and repented of the wrong that he did, and knows himself to be part, as are we all, of a community of forgiven sinners. We believe that he has emerged from this experience a better man and a better priest. An extremely gifted scholar and writer, James Burtchaell will continue his association with this journal, and we look forward to what we have no doubt will be his important contributions in the future. Fr. Burtchaell has issued the following statement:

"Last year when I began a research leave from teaching I acknowledged to my provincial superior and the Notre Dame administration that I had behaved towards some former university students in ways that were wrong, and which I very much regretted. The administration asked me to resign from my professorship. After twenty-five years of very active service that was not easy to contemplate. But other unrelated reasons of my own persuaded me to accede to their request, and I agreed to submit my resignation effective at the end of this academic year.

"I saw what I had done as a default in my responsibilities as a priest, a member of a religious brotherhood, and a mentor: one that I had greater reason to deplore than did those who wished me to leave.

"It is now nearly a year and a half since the issue arose. My concern since then has ranged well beyond the actual points of complaint, for it would be foolish to scrape off only some rust and then paint over the rest. With wise professional help and loving support I have been trying to inventory the full range of forces and faults that have compromised my self and my service over the years. I have been making amends by offering an apology to people I had offended and receiving their forgiveness, and I have been trying to submit to whatever transformation the Lord affords me. It has been a strenuous and difficult time, but a time of chastening, conversion, and peace.

"Outwardly things have not been so peaceful. I shall leave Notre Dame, which became my home forty years ago this fall. But that will be a timely way to learn better that one is a sojourner here, not a resident.

"And there has been humiliation. My friends have always said I could benefit by some humiliation. I don't know if they had this much in mind, but the Lord evidently did, and I must take it as his gift.

"Some of my colleagues and my confreres have launched what they know of my story on the winds of biodegradable gossip. Journalists were approached to ensure that some version of it would appear in the press, and eventually a journal that deals in this genre published what it could make of it. The story as written, in which innuendo supplements, enhances, and replaces information, implies some things that are not true. My real faults are concern enough without fictional ones besides.

"Among the weaknesses I am still grappling with in this time of moral and self-review, anger remains a bedevilment. I am vexed at myself for spoiling service with selfishness. I am grieved by a few of my brothers—colleagues and confreres who seem to wish annihilation more than conversion. I have preached the relentless love of Jesus who died devoted to those who destroyed him, yet I find I am not yet his good enough disciple in forgiving. Pray that I may yet be. In the end, everything is a grace."

FT

While We're At It

■ Back in the 1960s, Peter Collier and David Horowitz edited the New Left magazine *Ramparts*, which may be remembered by some of our more senior readers. In a 1984 article in the *Washington Post* they explained why there were voting for Ronald Reagan. Along the way they have written bestsellers on American dynasties (*The Rockefellers* and *The Kennedys*) as well as a blistering critique of the 1960s, *Destructive Generation*. Now they have pulled together essays and reflections (if high polemics can be called reflections) in *Deconstructing the Left* (Second Thoughts Books, 4720 Boston Way, Lanham, MD 20706, $14.95). It covers just about everything in public controversy from Vietnam to the Gulf War, from AIDS to Tom Hayden's "populism." Collier and Horowitz are frequently criticized for being as enthusiastically rightist as they were once enthusiastically leftist. They aren't much bothered by the charge. "One of our friends," they write, "once said that lapsed radicals like ourselves are always condemned to regard the Left as their Great White Whale. There is probably an element of truth in this. If so, this book is a record of our sightings of the beast. We may not yet have set the final harpoon, but we have given chase." *Deconstructing the Left* provides vicarious participation in adventures, high and low, on the chase.

■ In York, Pennsylvania, Karl Chambers, age twenty-eight, was charged with robbing, beating, and killing a seventy-year-old woman. He was tried, found guilty, and sentenced to death. The Pennsylvania Supreme Court voided the sentence and ordered a new hearing. It seems that in his closing argument to the jury District Attorney H. Stanley Rebert said, "Karl Chambers has taken a life. As the

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Bible says, 'And the murderer shall be put to death.' " Justice Nicholas Papadakos of the Supreme Court warned prosecutors that they could be subject to disciplinary action if they used the Bible or any other religious reference in support of the death penalty. Mr. Rebert said, "I don't know of any God-fearing prosecutor that has not used some scriptural or religious reference in arguing to a jury." He called the voiding of the sentence "outrageous, incredibly ludicrous, and completely ridiculous." Given current judicial extremism on "the separation of church and state," we, on the other hand, find the Pennsylvania decision credibly ludicrous.

■ The redoubtable Avery Dulles, a regular contributor to these pages, recently inaugurated a lectureship in theology at Marymount University, Arlington, Virginia. What he said about Catholic education obviously has broader application. "The great sociopolitical problems of the present day, which are of interest to most university students, have theological dimensions that should not be neglected in a Catholic university. Human rights, if they are to have any solidity, must be grounded in the eternal law of God. Were it not for the human relation to the transcendent, conscience would have no special rights; it might, indeed, be dismissed as a kind of Freudian superego. Human equality, without its foundation in God's creative plan, could be rejected as a myth, and justice could be redefined as the interest of the stronger. The responsible use of natural resources and the proper respect for the integrity of nature, when studied at Catholic institutions, must be seen in relation to the doctrine of creation. The ethics of war and peace, so ardently debated during the past few months, are inseparable from principles of justice that are at root theological."

■ We were going to say that Eastern Orthodoxy tends to slip between the cracks in most discussions of American religion. But we are instructed that the metaphor is slipping through the cracks between the boards. Whatever, Orthodoxy does not get the attention it deserves. A welcome remedy is *American Orthodoxy: A Quarterly Newsletter of Orthodox Opinion*, the first issue of which has now arrived. It is edited by Fr. Alexander Webster and published by the Ethics and Public Policy Center. You might want to secure a sample copy by writing Ethics and Public Policy Center at 1015 15th Street, NW, Suite 900, Washington, D.C. 20005.

■ "We call upon the leaders of all faiths to join us in a 'Will to Live' campaign. Let every religious leader in this land dedicate the next twelve months to teaching, preaching, and counseling the community at large on the reasons we are here and the ways to find meaning in life even when it is hard." That is from a statement on euthanasia issued by the Union for Traditional Judaism. (The Union might be described as Conservative Judaism that is religiously conservative.) For a complete copy of the statement and more information, write Rabbi Ronald Price, 261 East Lincoln Avenue, Mount Vernon, NY 10552.

■ A reader protests Rabbi David Novak's observation ("When Jews Are Christians," November 1991) that there has been distinct progress in Jewish-Christian relations. As evidence to the contrary, he cites the March 1989 newsletter of the World Jewish Congress that there was an increase of Christian missionary activity aimed at Jews in Cambridge, England. How many Jews and how many missionary-minded Christians are there in Cambridge, one wonders. Further evidence from the same newsletter, dated June 1989, is that a Msgr. Richard Williamson in Quebec publicly denies that the Holocaust happened. More recently (October 1989), it is reported that a Christian minister, one Pete Peters, distributed anti-Semitic literature at a public school meeting in Colville, Washington. We don't know about the accuracy of these reports, but, if this is a sample of the evidence to the contrary, we'll stick with David Novak.

■ Like many Brits, Kenneth Minogue likes America awfully, but he also has deep misgivings. He spent three months with us recently and went back wondering how we, and our young people in particular, could be both so good and so bad. "For most of the American young," Minogue writes in the *Sunday Telegraph* (London), "there is only one basic problem: the simple matter of achieving satisfaction and avoiding frustration." Even in their virtues, such as when they help out in various voluntary programs, they cannot articulate a reason that goes beyond the assertion that it makes them feel good. Words such as duty, courage, heroism, and honesty are not part of their vocabulary. If notions of guilt and sin are still current, they are attached chiefly to having the wrong opinions on this or that. Minogue writes: "One remarkable piece of evidence is the way that the nicest and least offensive of American students will publicly confess to racism. This wimpish passion to confess must be understood in terms of the dominant doctrine that America is institutionally racist, and that the very worst people are those who will not admit it, indeed who even may not be aware of it. Faced with this Orwellian instrument of mental torture, students understandably settle for the lesser rap. Confession at least allows them to demonstrate the valued thing called 'sensitivity.' Young white males in particular carry a heavy burden of political incorrectness, and must work hard at demonstrating themselves innocent of both racism and sexism not to mention lookism, ableism, and all the other public crimes of a despotic code." Minogue's conclusion is that morality in America is becoming exclusively a matter of ideological commitment, and that, he thinks, is a

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form of decadence. "A powerful religious tradition in America may be a source of strength," he adds, "although religion has shown little immunity to the current fashions." What Kenneth Minogue learned in America is, it seems, nought for our comfort.

■ The governor of the state in which we live is given to ruminating in public. At the 92nd Street "Y," he recently gave a little talk in response to the question, "Who is God?" He used to have some pretty standard ideas on that subject, he says, but then he read Teilhard de Chardin. "Faith, he said, is not a call to escape the world but to embrace it. Creation is not an elaborate testing ground, but an invitation to join in the work of restoration. God created the world, but he did not finish it. He left that to us." All of which can no doubt be construed in an unexceptionable manner. What all this means, says Mario Cuomo, is that the government should engage in "benevolent activism." He regrets that so many people do not agree with him on that. "But most Americans understand that today there is, indeed, more money for savings and loans, but less for saving addicts; more money for bombs, but less for babies. More rich, more poor than ever." In the same issue of *America* that carried this cant, the governor is quoted as saying, "Decide exactly what you have to achieve. Do you want to help people, or do you want to be powerful?" Maybe that means that the Teilhardian Omega Point of Mr. Cuomo's vocation is to retire from politics so that he can help people. Or maybe it means that the power to engage in "benevolent activism" is true weakness. Or maybe it means nothing at all.

■ The self-dramatizing conceits of artists and intellectuals know no bounds. The other day Norman Mailer was over at the United Nations demonstrating with his kind. They were marking the second anniversary of Salman Rushdie's peek-a-boo seclusion from Muslims who want to do him in. The group carried signs declaring, "We Are All Rushdies." Mailer expatiated on the death-defying dangers of being a writer in our kind of society. (Your latest novel might get a lousy review by John Simon in the *New York Times*.) Then we came across this by Andrew Solomon reflecting on the failed coup in Moscow last year. "Ordinary Soviet citizens," he writes, "often seemed interested only in having cheap food available." Not so with the intelligentsia. At the great moment of testing, "The intelligentsia understood it was the strongest champion of freedom. Though few of its members were ardent supporters of Boris Yeltsin, they accepted that it was necessary to join the tens of thousands of Muscovites who supported him unreservedly. Outside his headquarters at the parliament, there began a mass gathering of the minds of Moscow. I met dozens of old friends; people were constantly calling one another's names." Yes indeed. Never mind that minds that are amenable to mass gatherings of minds belonged, during seventy-four years of Communism, to pampered collaborators with the regime. At the great moment of defiance, writes Solomon, "intellectuals brought to this activity a clarity so brilliant that it swayed everyone they encountered: their gift was the gift of shared insight, their weapon the ability to communicate." To the amazement of "ordinary people" everywhere, many, perhaps most, intellectuals seem to believe the preening tripe of their self-advertisements. Oh yes, Mr. Mailer indicates that he regrets that, unlike Salman Rushdie, nobody is threatening his life, despite his literary courage. It is no doubt the terrible price he must pay for living in a society of ordinary people.

■ It used to be that people misbehaved in all sorts of ways but did so with a guilty conscience, insofar as they had a conscience. No longer. Patrick Riley, in a doctoral thesis titled *Chastity and the Common Good*, notes the switch in the meaning of hypocrisy that accompanied the sexual revolution launched in the 1960s. "Until that unhappy period, hypocrisy had been the tribute that vice paid to virtue; it now became the epithet that vice hurled at virtue." That bears more than a moment's reflection.

Sources: "Is Birth Control Christian?" in *Christianity Today*, November 11, 1991. On teen abortions, *Bernadell Technical Bulletin*, published by Adelle and Bernard Nathanson and available from P.O. Box 1897, New York, NY 10113. Ralph McInerny on dissident Catholic theology in FCS newsletter, December 1991. On homosexual marriage, *Commonweal*, November 22, 1991. David M. Smolin on translating theological convictions into secular terms in "The Enforcement of Natural Law by the State," *University of Dayton Law Review*, Vol. 16 No. 2. Chambers case reported in the *New York Times*, November 10, 1991. Cuomo quotations from *America*, November 16, 1991.

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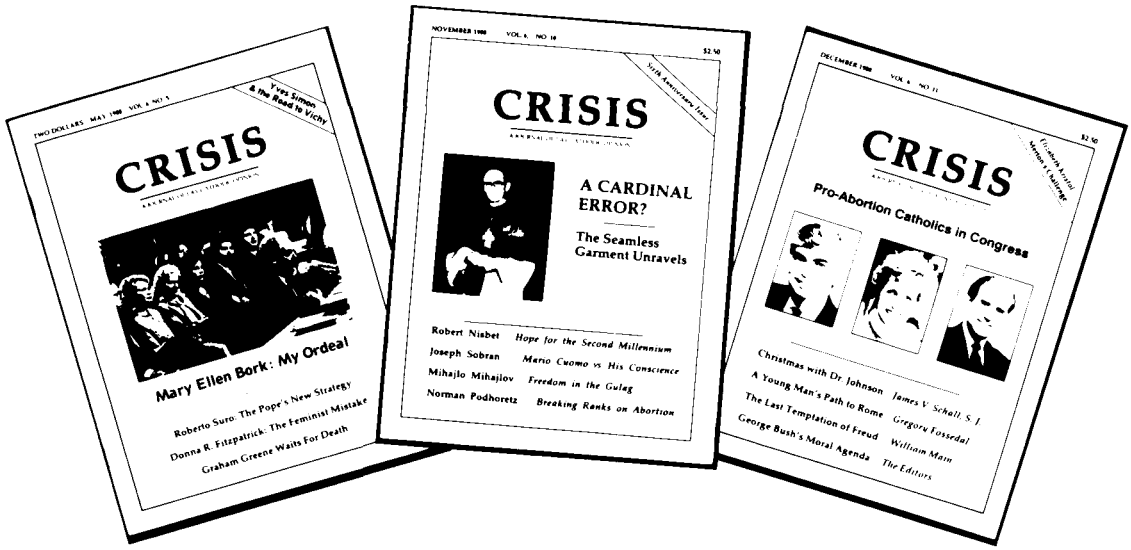
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